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C.M.P. No. 15158 of 2024
in S.A.SR.No.89294 of 2024

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 679 days in filing the above Second Appeal against the judgment and decree dated 18.12.2019 passed in A.S.No.34 of 2017, on the file of Sub-Court at Mettur confirming the judgment and decree passed in O.S.No.81 of 2012 dated 02.09.2016 on the file of District Munsif Court, Mettur.

2. Mr.T.Arun Kumar, learned Addl. Govt. Pleader appearing for petitioners submitted that the judgment in the first appeal was pronounced on 18.12.2019 at that time, entire nation was in standstill due to covid-19 pandemic and also due to administrative reason and frequent transfer of officers, the petitioners are not able to file the Second Appeal within a stipulated time. Hence, there is a delay of 679 days in filing the above second appeal arose, which is neither willful nor wanton. Therefore, he filed this petition to condone the delay in filing the above second appeal.



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3. Mr. T.Deeraj, learned counsel for respondent appeared and raised strong objections stating that reasons for delay was not properly explained.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit stating that the judgment in the first appeal was pronounced only during December 2019 during Covid-19 pandemic period and also due to administrative reasons stated by them seems to be justifiable one and to avoid multiplicity of proceedings, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.2000/- payable to the learned counsel for respondent within a period of one week from the date of receipt of copy of this order. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 19.11.2024.

11.11.2024

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