



WEB COPY



C.M.P. No. 16958 of 2023
in S.A.SR.No.90287 of 2023

C.M.P. No. 16958 of 2023
in
S.A.SR.No.90287 of 2023
T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 65 days in filing the above Second Appeal against the judgment and decree dated 09.01.2023 passed in A.S.No.81 of 2014, on the file of I Addl. District Judge, Coimbatore confirming the judgment and decree passed in O.S.No.59 of 2011 dated 17.07.2014 on the file of III Addl. Subordinate Judge, Coimbatore.

2. Mr.A.E.Ravichandran, learned counsel for appellant submitted that after obtaining the certified copy of judgment and decree on 10.02.2023, the second appeal ought to have been filed on or before 90 days i.e. before 10.05.2023. Since this Court was on summer vacation, the appellant was not able to contact his counsel and only during the first week of July 2023, he gave instructions to file the Second Appeal. However, there is a delay of 65 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.

3. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit seems to be justifiable one, this court is inclined to allow this petition. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 27.11.2024.

12.11.2024

rpp



WEB COPY



C.M.P. No. 16958 of 2023
in S.A.SR.No.90287 of 2023

T.V.THAMILSELVI, J.

rpp

C.M.P.No. 16958 of 2023
in
S.A.SR.. No. 90287 of 2023

12.11.2024