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C.M.P.No.23370 of 2024 in
A.S.SR.No. 128146 of 2023

C.M.P.No. 23370 of 2024
in
A.S.SR.Nos.128146 of 2023

T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in O.S.No.95 of 2019, the petitioner preferred the above Appeal Suit, however there is a delay of 276 days in representing the above appeal arose. Hence, the present petition has been filed to condone the delay in representing the appeal suit.

2. Mr.R.Bharath Kumar, learned counsel for petitioner submitted that the above Appeal Suit was returned for rectifying certain defects on 09.10.2023 and after taking returns, he had instructed the appellant to submit deposition and exhibits marked in the suit for preparing typed set of papers. He has handed over the same only during the month of December 2023, however, since Clerk attached with their office was died on 04.01.2024, they could not locate the returned papers and it could not be traced immediately. Thereafter, after due search, it was traced out, however, there is a delay of 276 days arose in representing the above second appeal and the said delay caused is neither willful nor wanton, but for the above



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said reasons. Accordingly, he has filed the above petition.

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3. Considering the facts and circumstances and on considering the reasons stated by the petitioner in the affidavit seems to be justifiable one and to give one more opportunity to the petitioner, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.1000/- payable to the Tamil Nadu State Legal Services Authority, Chennai within a period of one week from the date of receipt of copy of this order and on such deposit, Registry is directed to number the above Appeal Suit if it is otherwise found to be in order and post the matter on 30.10.2024.

19.10.2024

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19.10.2024