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C.M.P.No. 17309 of 2024
in
S.A. SR.No. 83316 of 2023

T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in A.S.No.5 of 2019, the petitioner preferred the above Second Appeal, however there is a delay of 344 days in representing the above second appeal arose. Hence, the present petition has been filed to condone the delay in representing the second appeal.

2. Mr.P.Dinesh Kumar, learned counsel for petitioner submitted that the above Second Appeal was returned for rectifying certain defects on 10.07.2023, however, the paper was misplaced with other bundles and it could not be traced immediately. Thereafter, after due search, it was traced out, however, there is a delay of 344 days arose in representing the above second appeal and the said delay caused is neither willful nor wanton, but for the above said reasons. Accordingly, he has filed the above petition.



3. Considering the facts and circumstances and on considering the reasons stated by the petitioner in the affidavit that the bundle was misplaced, 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.2000/- payable to the District Legal Services Authority, Gobichettipalayam 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 Second Appeal if it is otherwise found to be in order and post the matter on 28.08.2024.

13.08.2024

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