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C.M.P. No. 20604 of 2024
in S.A.SR.No.96810 of 2024

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 177 days in filing the above Second Appeal against the judgment and decree dated 21.09.2023 passed in A.S.No.6 of 2019, on the file of Addl. District Court at Ariyalur confirming the judgment and decree passed in O.S.No.7 of 2017 dated 25.10.2017 on the file of Sub-Court, Jayankondam.

2. Mr.K.Chandrasekaran, learned counsel for petitioner submitted that after getting the certified copies of judgment and decree, lower court counsel's clerk kept the same in his house and when he shifted his house, the papers were misplaced during the month of November 2023, but inspite of his best efforts, it could not be traced out. However, during 2nd week of July, his erstwhile landlord handed over the papers to him and immediately after getting papers from him, they came to Chennai and engaged the counsel on record for filing the Second Appeal during the first week of June 2024. Hence, there is a delay of 177 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. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit seems to be justifiable one and on considering the age of parties and also to avoid multiplicity of proceedings and in order to give one more opportunity, 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. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 15.10.2024.

24.09.2024

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