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C.M.P. No. 21050 of 2023
in S.A.SR.No.92078 of 2023

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 147 days in filing the above Second Appeal against the judgment and decree dated 22.08.2022 passed in A.S.No.109 of 2017, on the file of VII Addl. City Civil Court, Chnnai confirming the judgment and decree passed in O.S.No.3286 of 2010 dated 29.09.2016 on the file of I Asst. City Civil Court, Chennai.

2. Mr.R.Thamaraiselvam, learned counsel for appellant submitted that due to illness and also due to financial condition, the appellant could not get the certified copy of judgment and decree passed by the first appellate court. He would submit that after arranging funds, only during the second week of July 2023, he gave instructions to file the Second Appeal. However, there is a delay of 147 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 stating that due to lack of communication and also due to illness, the appellant was not able to file the second appeal within a stipulated time and to give one more opportunity, 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 06.12.2024 along with petitions in C.M.P.No. 21118 of 2023 in S.A.SR.No. 92077 of 2023 and C.M.P.No. 21050 of 2023 in S.A.SR.No. 92078 of 2023.

21.11.2024

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