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C.M.P. No. 22601 of 2024
in S.A.SR.No.100167 of 2024

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 197 days in filing the above Second Appeal against the judgment and decree dated 01.09.2023 passed in A.S.No.69 of 2021, on the file of I Addl. District and Sessions Judge, Namakkal reversing the judgment and decree passed in O.S.No.288 of 2013 dated 24.03.2021 on the file of Addl. Subordinate Judge, Namakkal.

2. Mr.N.Umapathi, learned counsel for appellant submitted that the papers handed over to the erstwhile counsel, who had mingled with papers with some other bundles and thereafter, he left the practice and joined in a private company. Subsequently, with hectic efforts, it was traced out and thereafter, due to illness, the appellant was not able to contact his counsel and only during the fourth week of July 2024, he gave instructions to file the Second Appeal. However, there is a delay of 197 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 is justifiable one. Accordingly, 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 04.11.2024.

23.10.2024

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