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C.M.P.No.17908 of 2024
in S.A.SR.No. 61916 of 2024

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T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in A.S.No.206 of 2017, the petitioner preferred the above Second Appeal, however there is a delay of 427 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. Ms.D.Hariniyadav, learned counsel for petitioner submitted that the above Second Appeal was returned for rectifying certain defects on 29.05.2023, however, on account of change in the management and due to sudden resignation of consultant, the petitioner unable to provide the queries sought to the counsel on record. He would also submit that most of papers pertaining to earlier round of litigation were stuck with the said consultant, they could not represent the papers within a stipulated time. Hence, there is a delay of 427 days arose in representing the above second appeal and the said delay caused is neither willful nor wanton, but for the



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

3. Mr.M.Kempuraj, learned counsel for respondents 1, 5 and 6 raised strong objections stating that the reasons stated by the petitioner is unjustifiable one.

4. Considering the facts and circumstances and the fact that due to change of management, they were not able to represent the appeal within a stipulated time 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.5000/- payable to the learned counsel for respondent on or before 04.10.2024. 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 04.10.2024.

24.09.2024

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