



C.M.P.No. 19671 of 2024
in
S.A. SR.No. 42021 of 2024

T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in A.S.No.112 of 2013, the petitioner preferred the above Second Appeal, however there is a delay of 114 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.K.Magesh, learned counsel for petitioner submitted that the above Second Appeal was returned for rectifying certain defects on 03.04.2024, however, certain information was sought from the lower court counsel and the same was furnished only recently and the paper was also misplaced with other bundles and it could not be traced immediately. Thereafter, after due search, it was traced out. Hence, there is a delay of 114 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.



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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. Registry is directed to number the above Second Appeal if it is otherwise found to be in order and post the matter on 17.09.2024.

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