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C.M.P. No. 18771 of 2024
in S.A.SR.No.105827 of 2024

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 432 days in filing the above Second Appeal against the judgment and decree dated 25.01.2023 passed in A.S.No.16 of 2021, on the file of II Addl. District Judge, Vellore @ Ranipet confirming the judgment and decree passed in O.S.No.431 of 2013 dated 22.01.2021 on the file of Subordinate Judge, Ranipet.

2. Mr.A.Ilayaperumal, learned counsel for petitioner submitted that the first appeal was dismissed on 25.01.2023 and the copies were made ready on 09.03.2023, however, as the petitioner is a senior citizen, he was suffered with age-old ailments and also due to lack of communication, he could not file the above second appeal within a stipulated time. Hence, there is a delay of 432 days in filing the above Second Appeal, which is neither willful nor wanton and only due to the aforesaid reasons. Therefore, he filed this petition to condone the delay in filing the above second appeal.

3. On seeing the facts, it reveals that due to the delay in obtaining certified copies of judgment and decree and due to illness and also due to lack of communication, the petitioner not able to contact his counsel and



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file this Second Appeal within a stipulated time. Considering the facts and circumstances and on considering the reasons stated in the affidavit seems to be justifiable one and to give one more opportunity, this Court is inclined to allow this petition on condition that the petitioners shall pay a cost of Rs.2000/- (Rupees two thousand only) **as non-refundable deposit to the credit of The Medical Research Foundation (Sankara Nethralaya), No.41/18, College Road, Chennai-6. HDFC Bank Ltd., A/c.No.00821000087815, IFSC Code No.HDFC0000082** within a period of one week from the date of receipt of copy of this order. On such payment of cost, Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 21.11.2024.

29.10.2024

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