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C.M.P. No. 11111 of 2024
in S.A.SR.No.30190 of 2011

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 3 days in filing the above Second Appeal against the judgment and decree dated 29.09.2010 passed in A.S.No.41 of 2008, on the file of Principal District Judge, Cuddalore.

2. Mr.S.Rajendiran, learned counsel for appellant submitted that on 04.10.2010 the copy application was made and the certified copy of judgment was made ready on 03.01.2011, which was received on 05.01.211. Subsequently, the appeal was filed on 01.04.2011, however, on 29.09.2010 happens to be Wednesday, the copy application ought to have been made on 01.10.2010. Hence, there is a delay of 3 days in filing the copy application, but it was unnoticed while calculating the last date of filing and the appeal was filed on 01.04.2011 excluding the said 3 days of delay in filing the same, 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



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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 24.06.2024.

04.06.2024

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