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C.M.P. No. 18965 of 2024
in S.A.SR.No.109078 of 2024

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 391 days in filing the above Second Appeal against the judgment and decree dated 18.04.2023 passed in A.S.No.04 of 2021, on the file of Subordinate Judge, Gingee confirming the judgment and decree passed in O.S.No.15 of 2011 dated 26.03.2021 on the file of Addl. District Munsif Court, Gingee.

2. Mr.D.Ravichander, learned counsel for petitioner submitted that due to illness, he was not able to come to Chennai and engage a counsel for filing the Second Appeal. Only during the last week of July 2024, he handed over papers to counsel on record, but after making it ready the appeal papers, by oversight he was not able to file the same within time and the second appeal was filed on 30.07.2024. Hence, there is a delay of 391 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.



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3. Mr.G.Palani, learned counsel for 1st respondent appeared and raised strong objections stating that no sufficient reason stated for the said delay.

4. Considering the facts and circumstances, and the reasons stated by the petitioner 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 petitioner shall pay a cost of Rs.3000/- payable to the learned counsel for 1st respondent within a period of one week from the date of receipt of copy of this order. Registry is directed to number the Second Appeal if it is otherwise found to be in order.

5. Registry is directed to print the name of respondents 2 and 3 in the cause list and post the matter on 07.01.2025.

04.12.2024

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N.B. : Issue order copy on 05.12.2024



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