



C.M.P.No. 19707 of 2024
in
S.A. SR.No. 28310 of 2024

T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in A.S.No.63 of 2016, the petitioner preferred the above Second Appeal, however there is a delay of 165 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.MA.P.Thangavel, learned counsel for petitioner submitted that the above Second Appeal was returned for rectifying certain defects on 07.03.2024, however, the counsel on record instructed the petitioners to get certified copy of amended plaint and all depositions and exhibits and the same was furnished only recently and they were also not aware of court proceedings. Hence, there is a delay of 165 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.



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 18.09.2024.

09.09.2024

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