



WEB COPY



C.M.P. No. 26648 of 2023
in S.A.SR.No.117641 of 2023

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 42 days in filing the above Second Appeal against the judgment and decree dated 31.01.2023 passed in A.S.No.1 of 2022, on the file of Principal Subordinate Judge, Chengalpettu confirming the judgment and decree passed in O.S.No.72 of 2016 dated 27.10.2021 on the file of District Munsif Court, Chengalpattu.

2. Mr.R.Abdul Mubeen, learned counsel for appellant submitted that due to illness, the appellant was not able to contact his counsel and only during the first week of September 2023, he gave instructions to file the Second Appeal. However, there is a delay of 42 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.

3. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit seems to be justifiable one, 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 26.11.2024.

12.11.2024

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