



CMP.Nos.20117 & 22549 of 2024
in S.A.SR.No.43637 of 2024

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T.V.THAMILSELVI, J.

When the matter was taken up for hearing, the learned counsel for the appellant submitted that already there was a petition filed under Order IV Rule 9(4) of A.S.Rules, to condone the delay of 130 days for filing the above appeal. But, the same was mistakenly taken on file considering the cost paid for condoning the delay. Hence, the order passed in C.M.P.No.20117 of 2024 in S.A.SR.No.43637 of 2024 is hereby recalled.

2. The petition in C.M.P.No.22549 of 2024 has been filed to condone the delay of 176 days in filling the above Second Appeal against the judgment and decree passed in A.S.No.266 of 2017, dated 09.02.2023 on the file of the IV Additional City Civil Court, Chennai in O.S.No.13745 of 2010 on the file of XV Assistant City Civil Court, Chennai.

3. Heard the learned counsel for the appellant and learned counsel for the respondents and perused the material available in the record.

T.V.THAMILSELVI, J.



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4. On being satisfied with the averments stated in the affidavit filed in support of the petition in C.M.P.No.22549 of 2024 and upon hearing the learned counsel appearing on either side, this Court is inclined to condone the delay with costs. Accordingly, the delay of 176 days in filing the appeal is condoned on condition that the appellant shall pay a sum of Rs.3,000/- (Rupees three thousand only), within a period of one weeks from the date of receipt of a copy of this order.

5. Accordingly, C.M.P.No.22549 of 2024 in S.A.SR.No.43637 of 2024 is allowed.

6. Registry is directed to list the above Second Appeal after numbering the same, if they are otherwise in order, on 16.10.2024.

04.10.2024

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