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C.M.P. No. 22615 of 2024
in S.A.SR.No.120758 of 2024

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 240 days in filing the above Second Appeal against the judgment and decree dated 27.03.2023 passed in A.S.No.5 of 2012, on the file of Subordinate Judge, Perambalur confirming the judgment and decree passed in O.S.No.671 of 1996 dated 27.10.2005 on the file of District Munsif Court, Perambalur.

2. Mr.TG. Dinesh, learned counsel for petitioner submitted that he applied for certified copy of judgment and decree passed in A.S.No.5 of 2012 and the same was obtained belatedly. However, he is aged about 75 years, and due to age-related issues as well as also due to lack of communication, he was not able to come down to Chennai and engage a counsel to file the appeal in time. Only during the first week of September 2024, he handed over papers to counsel on record and the second appeal was filed on 06.09.2024. Hence, there is a delay of 240 days in filing the above second appeal arose, which is neither willful nor wanton. Therefore,



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he filed this petition to condone the delay in filing the above second appeal.

3. Considering the facts and circumstances and the fact that he is a senior citizen, aged about 75 years and on considering the reasons stated in the affidavit that due to age-related issues as well as due to lack of communication, he was not able to file the appeal within a stipulated time and in order to give one more opportunity, 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 25.11.2024.

12.11.2024

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