



C.M.P.No. 20116 of 2024
in
S.A. SR.No. 148489 of 2023

T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in A.S.No.170 of 2018, the petitioner preferred the above Second Appeal, however there is a delay of 278 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 petitioners submitted that the above Second Appeal was returned for rectifying certain defects on 22.11.2023. Thereafter, the learned counsel instructed the petitioner to get the certified copy of amended plaint and all depositions and exhibits for filing the above appeal. However, due to unaware of proceedings, they could not contact the counsel immediately and only during the third week of August 2024, the defects were complied with. Hence, there is a delay of 278 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.



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3. Considering the facts and circumstances and on considering the reasons stated by the petitioner in the affidavit and in order to give one more opportunity to the petitioner, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.1000/- payable to the Tamil Nadu State Legal Services Authority, Chennai within a period of one week from the date of receipt of copy of this order and on payment of cost, Registry is directed to number the above Second Appeal if it is otherwise found to be in order and post the matter on 01.10.2024.

18.09.2024

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3

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