



WEB COPY



C.M.P.No.22056 of 2024 in
S.A.SR.No. 38530 of 2024

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T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in A.S.No.36 of 2019, 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.N.Krishna Kumar, learned counsel for petitioner submitted that the above Second Appeal was returned on 25.03.2024, however, while rectifying defects, he came to know that the suit schedule property was wrongly mentioned in the first appeal decree and informed the same to lower court counsel and thereafter, the amended decree copy was recently received by him, but the second appeal paper was misplaced with other bundles and it could not be traced immediately. Thereafter, after due search, it was traced out, however, there is a delay of 165 days arose in



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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 28.10.2024.

14.10.2024

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