



C.M.P.No.19207 of 2022 in
C.M.S.A.SR.No.121714 of 2022

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N.ANAND VENKATESH, J.

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 884 days in preferring the Civil Miscellaneous Second Appeal against the judgment and decree dated 25.02.2020 made in C.M.A.No.10 of 2018 on the file of V Additional District and Sessions Judge, Coimbatore, in reversing the fair and decretal order dated 14.03.2018 made in E.A.No.4 of 2017 in E.P.No.37 of 2017 on the file of the Subordinate Judge, Mettupalayam.

2.The respondents 1 & 2 are the decree holders. They filed an application for removing the obstruction. The application was dismissed by the Sub Court, Mettupalayam. Aggrieved by the same, both of them filed an appeal in C.MA.No.10 of 2018. This appeal was allowed by the V Additional District and Sessions Judge, Coimbatore. Aggrieved by the said judgment, the present Civil Miscellaneous Second Appeal has been filed.

3.Notice sent to the 2nd respondent has been served and the name is also been printed in the cause list. Notice sent to 1st respondent has been returned with an endorsement 'no such person'. When both the respondents have jointly prosecuted the case, it will suffice if notice is served on the 2nd respondent at the condone delay stage.

4.This Court has carefully gone through the affidavit filed in support of the petition filed to condone the delay.



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5.Having satisfied with the reasons assigned in the affidavit filed in support of this petition, the miscellaneous petition is allowed and the delay of 884 days is condoned.

03.06.2024

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