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C.M.P. No. 25227 of 2024
in S.A.SR.No.127318 of 2024

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 544 days in filing the above Second Appeal against the judgment and decree dated 22.12.2022 passed in A.S.No.06 of 2019, on the file of Subordinate Judge, Palacode confirming the judgment and decree passed in O.S.No.118 of 2012 dated 25.11.2015 on the file of District Munsif Court, Palacode.

2. Mr.M.Kaviveerappan, learned counsel for petitioner submitted that the certified copy of judgment and decree passed in A.S.No. 6 of 2019 was made ready only on 12.01.2023 and due to illness, he was not able to come to Chennai and engage a counsel for filing the Second Appeal. Only during the third week of August 2024, he handed over papers to counsel on record, but after making it ready the appeal papers, by oversight he was not able to file the same within time and the second appeal was filed on 20.08.2024. Hence, there is a delay of 544 days in filing the above second appeal arose, which is neither willful nor wanton. Therefore, he filed this petition to



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condone the delay in filing the above second appeal.

3. Mr.C.Prabakaran, learned counsel for respondents 1 to 5 and Mr.V.R.Annagandhi, learned counsel for 6th respondent appeared and raised strong objections stating that no sufficient reasons stated for the said delay.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit seems to be justifiable one and to give one more opportunity, this court is inclined to allow this petition on condition that the petitioner shall pay a total cost of Rs.5000/-, in which a sum of Rs.2500/- payable to the learned contesting counsel for respondents 1 to 5 and another sum of Rs.2500/- payable to the learned cavetor counsel for 6th respondent within a period of one week from the date of receipt of copy of this order. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 08.01.2025.

04.12.2024

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N.B. : Issue order copy on 05.12.2024



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