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C.M.P. No. 21639 of 2024
in S.A.SR.No.128730 of 2024

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 135 days in filing the above Second Appeal against the judgment and decree dated 05.02.2024 passed in A.S.No.02 of 2020, on the file of Sub-Court, Paramathi reversing the judgment and decree passed in O.S.No.44 of 2007 dated 04.11.2019 on the file of District Munsif Court, Paramathi.

2. Mr.S.Sivakumar, learned counsel for appellant submitted that due to illness, the appellant was not able to contact his counsel and only during the last week of August 2024, he gave instructions to file the Second Appeal. However, there is a delay of 135 days in filing the above second appeal arose, which is neither willful nor wanton. Therefore, he filed this petition to condone the delay in filing the above second appeal.

3. Mr .V.S.Sivasundaram, learned counsel for respondents 1 and 2 appeared and raised formal objections in allowing this petition and undertake to file vakalat.



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4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit seems to be justifiable one, 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 06.11.2024.

25.10.2024

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