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C.M.P. No. 23414 of 2024
in S.A.SR.No.1073 of 2022

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T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in A.S.No.35 of 2017, the petitioner preferred the above Second Appeal, however there is a delay of 975 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. Mrs.P.V.Rajeswari, learned counsel for petitioners submitted that the above Second Appeal was returned for rectifying certain defects on 20.01.2022. She would submit that one of the returns was that it is not stated in the cause title of lower appellate court decree the 1st respondent therein is deceased. In the said circumstances, the 2nd petitioner was advised to verify the same through lower court counsel and to get the decree amended. Due to the transfer of records from one court to the other during the pendency of appeal and also due to Covid-19 pandemic situation, the petitioners could not get death of 1st respondent therein recorded in the decree. After taking hectic efforts, the amended decree was obtained. In



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However, there is a delay of 975 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, she has filed the above petition.

3. Considering the facts and circumstances and on considering the reasons stated by the petitioners in the affidavit that due to the delay in obtaining amended decree, it was not represented within a stipulated time and also in order to give one more opportunity to the petitioners, this court is inclined to allow this petition on condition that the petitioners shall pay a cost of Rs.1000/- payable to the Tamil Nadu State Legal Services Authority, Chennai within a period of three days from today and on such deposit, Registry is directed to number the above Second Appeal if it is otherwise found to be in order and post the matter on 22.10.2024 for admission.

19.10.2024

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N.B. :- Issue order copy on 21.10.2024



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