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C.M.P. No. 3836 of 2024
in S.A.SR.No.133367 of 2023

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 33 days in filing the above Second Appeal against the judgment and decree dated 19.04.2023 passed in A.S.No.5 of 2014, on the file of Sub-Court at Attur (Salem District) modifying the judgment and decree passed in O.S.No.351 of 2009 dated 19.03.2014 on the file of District Munsif Court, Attur.

2. Mr.K.R.Masilamani, learned counsel for petitioner submitted that the petitioner is an illiterate widow woman and aged about more than 75 years, she was unaware of court proceedings and also due to age related illness, she could not instruct her to file Second Appeal and during the second week of October 2023, she handed over papers to counsel on record and the second appeal was filed on 12.10.2023. Hence, there is a delay of 33 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.



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3. Mr.D.Selvaraju learned counsel for 1st respondent appeared and raised formal objections to allow this petition.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit stating that due to illiteracy and also due to age-related health issues, she was not able to file the Second Appeal within a stipulated time seems to be justifiable one and to give one more opportunity, 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 06.12.2024 along with Second Appeal in S.A.No.200 of 2024.

20.11.2024

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S.A.SR. No. 133367 of 2023

20.11.2024