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C.M.P. No. 25819 of 2024
in S.A.SR.No.111645 of 2022

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 84 days in filing the above Second Appeal against the judgment and decree dated 24.03.2022 passed in A.S.No.33 of 2011, on the file of Principal Subordinate Judge, Dharmapuri partly modifying the judgment and decree passed in O.S.No.88 of 2009 dated 30.09.2010 on the file of District Munsif Court, Dharmapuri.

2. Mr.R.Bharath Kumar, learned counsel for appellant submitted that as the certified copies of common judgment and decree passed in A.S.Nos.32 and 33 of 2011 was not available, the same was obtained and thereafter, the appellants were under the bonafide impression that both appeals can be filed together as the same is arising out of common judgment. Whereas, there is a delay of 84 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. 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 04.12.2024.

21.11.2024

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S.A.SR.. No. 111645 of 2022

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