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C.M.P.No.20895 of 2024 in
S.A.SR.No. 33326 of 2022

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T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in A.S.No.8 of 2019, the petitioner preferred the above Second Appeal, however there is a delay of 795 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. Mr.P.Valliyappan, learned senior counsel for petitioners submitted that the above Second Appeal was returned for rectifying certain defects on various dates. He would submit that as the certified copies of judgment and decree were remitted back to IV Addl. District Judge's Court at Bhavani for rectification of value of court fees paid thereon, he could not represent the papers within a stipulated time. In view of the same, there is a delay of 797 days arose in representing the above second appeal and the said delay caused is neither willful nor wanton, but for the above said reasons.



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Accordingly, he has filed the above petition.

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3. Considering the facts and circumstances and on considering the reasons stated by the petitioner in the affidavit stating that the certified copies of judgment and decree were sent for rectification of value of court fees paid thereon seems to be justifiable one and in order to give one more opportunity to the petitioner, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.5000/- (Rupees five thousand only) **as non-refundable deposit to the credit of The Medical Research Foundation (Sankara Nethralaya), No.41/18, College Road, Chennai-6. HDFC Bank Ltd., A/c.No.00821000087815, IFSC Code No.HDFC0000082** within a period of one week from the date of receipt of copy of this order. On such payment of cost, Registry is directed to number the above Second Appeal if it is otherwise found to be in order and post the matter on 18.10.2024.

24.09.2024

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