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C.M.P. No. 1483 of 2017
in S.A.SR.No.46907 of 2016

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 474 days in filing the above Second Appeal against the judgment and decree dated 02.07.2014 passed in A.S.No.118 of 2011, on the file of I Addl. District Court at Coimbatore reversing the judgment and decree passed in O.S.No.1440 of 2000 dated 17.06.2011 on the file of II Addl. Subordinate Court, Coimbatore.

2. Mrs.V.Srimathi, learned counsel for petitioner submitted that when the copy application was made for certified copy of judgment and decree, the stamps were called and the same deposited on 19.10.2015 and subsequently, the copy was delivered only on 29.02.2016 and also due to illness, he was not able to come to Chennai and engage a counsel for filing the Second Appeal. Only during the last week of June 2016, he handed over papers to counsel on record, but after making it ready the appeal papers, by oversight he was not able to file the same within time. Hence, there is a delay of 474 days in filing the above second appeal arose, which is neither



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willful nor wanton. Therefore, he filed this petition to condone the delay in filing the above second appeal.

3. Mr.P.Saravanan, learned counsel for respondents 1 and 2 appeared and raised objections to allow this petition stating that no sufficient cause was stated for the said delay.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit seems to be justifiable one and also the fact that the suit is of the year 2006 and nearly about 24 years, the proceedings is pending and to avoid multiplicity of proceedings, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.4000/- payable to the learned counsel for respondents 1 and 2. Accordingly, the learned counsel for petitioner had paid the cost in open court. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 27.11.2024.

06.11.2024

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