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C.M.P.No.24657 of 2024 in
S.A.SR.No. 59488 of 2024

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T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in A.S.No.86 of 2023, the petitioner preferred the above Second Appeal, however there is a delay of 114 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.A.Mohamed Ismail, learned counsel for petitioner submitted that the above Second Appeal was returned for rectifying certain defects, however, due to illness of age-old ailments as well as due to lack of communication, the petitioner is not able to travel to Chennai and to instruct his counsel to rectify the defects. Hence, there is a delay of 114 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, 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 due to age-old ailments, the petitioner is not able to instruct his counsel to rectify the defects and on considering the fact that the petitioner is being a senior citizen, aged about 59 years and in order to give one more opportunity to the petitioner, this court is inclined to allow this petition. Registry is directed to number the above Second Appeal if it is otherwise found to be in order and post the matter on 13.11.2024.

05.11.2024

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