



WEB COPY

CMP. 27

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-12-2024

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP. 27643 of 2024

AND

SA SR. 122194 OF 2024

A.GNANAVELAN

APPELLANT(S)

Vs

SHAYAMALA
AND ANOTHER

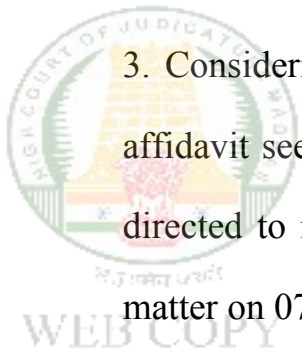
RESPONDENT(S)

For Appellant(s): Mr. Shaikh Mehrunnis Kasim

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 46 days in filing the above Second Appeal against the judgment and decree dated 16.04.2024 passed in A.S.No.76 of 2023, on the file of VII Addl. City Civil Court, Chennai upholding the judgment and decree passed in O.S.No.111 of 2015 dated 23.12.2022 on the file of VIII Asst. City Civil Court, Chennai.

2. Mr.Shaik Mehrunnisa Kasim, learned counsel for petitioner submitted that the copy application for getting the certified copy of judgment and decree passed in A.S.No. 76 of 2023 was filed on 04.06.2024, however, the clerk attached with counsel on record fell sick and did not inform about the status. So, the counsel on record was under the bonafide impression that it was followed up and thereafter, on filing another copy application, the same was obtained. Hence, there is a delay of 46 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, 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 07.01.2025.

(T.V.THAMILSELVI J.)
05-12-2024

RPP