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C.M.P. No. 24700 of 2024
in S.A.SR.No.112756 of 2024

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 33 days in filing the above Second Appeal against the judgment and decree dated 25.03.2024 passed in A.S.No.17 of 2022, on the file of I Addl. District Court at Namakkal confirming the judgment and decree passed in O.S.No.9 of 2019 dated 14.09.2020 on the file of Sub-Court, Paramathi.

2. Mr.S.Nambi Arooran, learned counsel for appellants submitted that as the certified copies of judgment and decree was not available, the same was obtained and thereafter, due to lack of communication, the appellants are not able to contact their counsel and only during the second week of August 2024 they gave instructions to file the Second Appeal. However, there is a delay of 33 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 petitioners in the affidavit is justifiable one. Accordingly, 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 12.11.2024.

05.11.2024

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