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C.M.P.No.27689 of 2023
in
A.S (SR) No.149516 of 2023

M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

[Order of the Court was made by K.GOVINDARAJAN
THILAKAVADI,J.,]

This appeal is preferred against the judgment and decree of XVIII Additional Judge, City Civil Court, Chennai dated 21.09.2022 passed in O.S.No.6792 of 2019 with a delay of 330 days.

2. The suit in O.S.No.6792 of 2019 has been filed by the plaintiff seeking a direction to the defendant to pay the plaintiff a sum of Rs.41,59,613/- with interest at the rate of 24 % per annum on the said sum. The trial Court vide its judgment and decree dated 21.09.2022, decreed the suit. Assailing the said judgment and decree, the defendant has preferred the present appeal with a delay of 330 days.

3. The present Civil Miscellaneous Petition has been filed to condone



the delay of aforesaid delay of 330 days in filing the appeal.

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4. In the affidavit filed in support of the instant petition it has been stated that due to ill-health and family issues, the petitioner/appellant was unable to contact his counsel and file the appeal suit in time. It is also stated that the case bundle was misplaced and only in the first week of November, 2023, he was able to trace out the case bundle and that has caused a delay of 330 days in filing the above appeal suit.

5. Mr.E.Hariharan, learned counsel appearing for the respondent submitted that he has already filed counter affidavit resisting the present petition.

6. On a perusal of the counter affidavit, we find that there is no serious objection except stating that there is no reason stated in the petition for condoning the delay in filing the appeal suit.

7. Considering the submissions made by learned counsel for



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petitioner, we are satisfied that sufficient cause has been shown for the delay and therefore, in the interest of justice, the above petition is allowed and the delay of 330 days in filing the above first appeal is condoned.

Registry is directed to number the appeal, if it is otherwise in order and list the same in its usual course as per chronology.

[M.S.,J.] [K.G.T.,J.]

24.01.2024

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