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C.M.P. No. 9475 of 2025
in S.A.SR.No.6769 of 2024

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T.V. THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 28 days in filing the above Second Appeal against the judgment and decree dated 28.04.2023 passed in A.S.No.5 of 2019, on the file of Addl. District Judge, Ariyalur confirming the judgment and decree passed in O.S.No.37 of 2008 dated 09.11.2018 on the file of Subordinate Court, Ariyalur.

2. Mr.A.M.Krishnamoorthy, learned counsel for appellant submitted that as the connected documents and depositions as well as appeal grounds were not available, the counsel on record requested the appellant to furnish the same and thereafter, the same was obtained. Hence, the appellant was not able to contact his counsel and only during the first week of January 2043, he gave instructions to file the Second Appeal. However, there is a delay of 28 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 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 30.04.2025.

28.04.2025

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