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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07-01-2025**

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP NO. 29899 of 2024

AND

SA SR NO. 56247 OF 2022

MOHANKUMAR
and 2 Others

Appellant(s)

Vs

RAJASEKARAN

Respondent(s)

For Appellant(s) :

Mr.S.Senthil

For Respondent(s) :

Mr.T.Pushkin Rajkumar

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 819 days in payment of deficit court fee of Rs.4000/- in the above appeal.

2. Mr.S.Senthil, learned counsel for petitioner submitted that the above Second Appeal was returned for certain defects on 16.06.2022, however, the papers were mixed up with other bundles and with great difficulty, the bundle was traced out only on 21.08.2024. Furthermore, while preferring the above second appeal, due to inadvertence, the court fee



payable was wrongly calculated and hence, a deficit court fee of Rs.4000/- is to be affixed in the above appeal. Hence, there is a delay of 819 days in the said payment arose and the said delay caused is neither willful nor wanton, but for the above said reasons. Accordingly, he has filed the above petition.

3. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit seems to be justifiable one, 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 27.01.2025.

07.01.2025

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T.V.THAMILSELVI, J.

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C.M.P.No. 29899 of 2024
in
S.A.SR.. No. 56247 of 2024

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