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CMP No. 2916 of 2024
in
SA SR.No. 118717 of 2023

T.V.THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 1134 days in filing the above Second Appeal against the judgment and decree dated 18.08.2020 passed in A.S.No.268 of 2018, on the file of VI Addl. City Civil Court, Chennai reversing the judgment and decree passed in O.S.No.6632 of 2012 dated 07.04.2018 on the file of XV Asst. Judge, City Civil Court, Chennai.

2. Mr.R.Thirumoorthy, learned counsel for appellant submitted that as the certified copy of judgment and decree passed in Appeal Suit in A.S.No. 268 of 2018 was not available, the same was obtained and thereafter, one of the family member, who was authorised to follow the proceedings, he has not conducted the proceedings and he was aged about 75 years, the appellant was not able to come to Chennai and to engage her counsel. Only during the first week of September 2023, she gave instructions to file the Second Appeal. However, there is a delay of 1134 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.

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3. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit stating that as there is a delay in issuing certified copy of judgment and decree passed in A.S.No.268 of 2018 and also due to lack of communication, the appeal was not filed within a stipulated time seems to be justifiable one and to avoid multiplicity of proceedings as well as to give one more opportunity, 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 09.04.2025.

20.03.2025

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