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C.M.P. No. 3220 of 2025
in S.A.SR.No.144456 of 2022

**CMP NO. 3220 of 2025
AND
SA SR NO. 144456 of 2022**

T.V.THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 204 days in filing the above Second Appeal against the judgment and decree dated 24.01.2020 passed in A.S.No.43 of 2016, on the file of II Addl. District and Sessions Judge, Salem confirming the judgment and decree passed in O.S.No.543 of 2013 dated 10.08.2015 on the file of Principal Subordinate Judge, Salem.

2. Mr.K.Sathish Kumar, learned counsel for appellants submitted that due to illness as well as due lack of communication, the appellants were not able to come to Chennai and to engage their counsel. Only during the first week of June 2022, they gave instructions to file the Second Appeal. However, there is a delay of 204 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 fact that suit was filed claiming partition between family members as well as the appellants are senior citizens aged about more than 60 years and also the reasons stated by the petitioner in the affidavit stating that due to illness and due to lack of communication, the appellants unable to file the above appeal within the stipulated time, seems to be justifiable one, 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 08.04.2025.

26.03.2025

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