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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24-02-2025**

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP NO. 4101 of 2025

AND

SA SR NO. 112694 OF 2023

R. Palanisamy

Appellant(s)

Vs

SUBRAMANI
and 2 Others

Respondent(s)

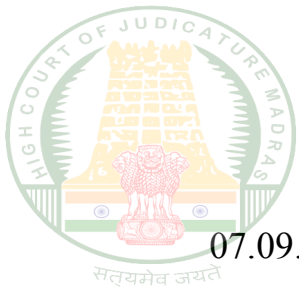
For Appellant (s) :-

Mr.P.Mathivanan

ORDER

Challenging the judgment and decree passed in A.S.No.72 of 2019, the petitioner preferred the above Second Appeal, however there is a delay of 455 days in representing the above second appeal arose. Hence, the present petition has been filed to condone the delay in representing the second appeal.

2. Mr.P.Mathivanan, learned counsel for petitioner submitted that the above Second Appeal was returned for rectifying certain defects on



07.09.2023 and again it was returned on 21.03.2024 after complying rectification but his clerk attached with the office failed to notice the above return papers in time and thereafter it was represented. However, there is a delay of 352 days arose in representing the above second appeal 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 on considering the reasons stated by the petitioner in the affidavit that due to the failure to notice the return of papers from the registry, it could not be represented within a stipulated time and to give one more opportunity to the petitioner, 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 20.03.2025.

24.02.2025

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T.V. THAMILSELVI, J.

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in
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