

C.M.P.No.1990 of 2016
in
S.A.No.699 of 2011

K.RAVICHANDRABAABU.,J.

This petition is filed seeking to condone the delay of 1173 days in filing the petition to set aside the abatement caused due to the death of the sole appellant.

2. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents.

3. It is stated that the legal representatives of the sole appellant were not aware of the pendency of the proceedings before this Court and they were also not aware of the details of the counsel who is handling the case for the petitioner/appellant. However, only later, in the month of October, 2015, they came to know about the pendency of the proceedings through a letter written by the counsel to the deceased appellant. Therefore, they seek the delay to be condoned.

4. Learned counsel appearing for the respondents opposed this petition stated that the petitioners are not vigilant to bring the legal representatives of

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the sole appellant in time.

5. Considering the reason stated in the accompanying affidavit filed in support of the petition and also considering the fact that there is a huge delay of 1173 days in bringing the legal representatives on record and also considering the fact that the petitioners must be given an opportunity of hearing the appeal, the petition is allowed subject to the condition that the petitioner shall pay a sum of Rs.3,500/- (Rupees Three Thousand Five Hundred only) to Sri Matha Trust (Charitable Institution of Poor Cancer Patients), Old Cancer Institute, Gandhi Nagar, Canal Bank Road, Adyar, Chennai - 600 020, Tel.No.044 24420727, within a period of two weeks from the date of receipt of a copy of this order. Post the matter thereafter two weeks for reporting compliance.

02.09.2016

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