

CMP Nos.15776, 15777 and 15778 of 2019
in
SA No.86 of 2007

ABDUL QUDDHOSE, J.

CMP Nos.15776, 15777 and 15778 2019 have been filed by the petitioner i)to condone the delay of 2665 days in filing the petition to set aside the abatement caused by the death of the sole appellant; ii) to set aside the abatement caused by the death of the sole appellant and iii) to bring on record the petitioner as well as the respondents 2 to 7 as the legal representatives of the deceased sole appellant.

2. Heard Mr.A. Muthukumar, learned counsel for the petitioner and Mr.S.Sounther, learned counsel for the 1st respondent.

3. As seen from the affidavit filed in support of these petitions, it is stated by the petitioner that originally, similar petitions have been filed, but since the said petitions were misplaced by the Registry, it necessiated the petitioner to file fresh petitions, which resulted in a delay of 2665 days in filing the petition to set aside the abatement.

4. A counter affidavit was filed by the first respondent stating that no sufficient reasons have been given by the petitioner for the condonation of the inordinate delay.

5. The suit filed by the first respondent is for a suit for permanent injunction. The Trial Court has dismissed the suit, which was reversed by the First Appellate Court. Aggrieved by the judgment and decree of the First Appellate Court, the instant Second Appeal has been filed.

6. This Court is satisfied with the reasons given in the affidavit filed in support of these petitions. Since the delay has occasioned only due to the misplacement of the petitions which were filed earlier. The delay therefore has been properly explained Accordingly, these petitions are allowed as prayed for.

7. Registry is directed to carry out necessary amendments and list the Second Appeal on 23.09.2019.

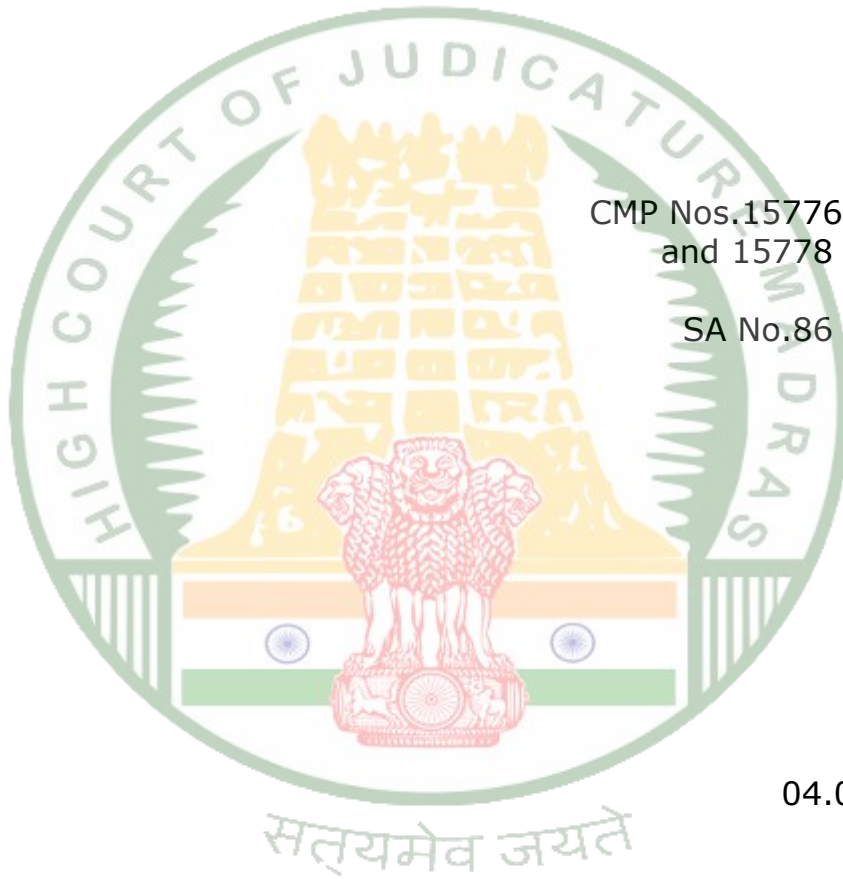
04.09.2019

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CMP Nos.15776, 15777
and 15778 of 2017

ABDUL QUDDHOSE, J.

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