

C.M.P.No.17303 of 2019
in S.A.No.1489 of 1986

G.K.ILANTHIRAIYAN, J.,

This Civil Miscellaneous Petition is filed for setting aside the order of dismissal dated 24.10.1998 passed by this Court in the above Second Appeal and restore the said Second Appeal and dispose the same according to law.

2. The learned counsel for the petitioner/appellant submitted that while the above Second Appeal was pending, the appellant (Annammal) died and the second respondent (Krishnan Vellai Kannammal) also died. Thereafter, six Civil Miscellaneous Petitions were filed for following reliefs viz.,

(i) C.M.P.No.5352 of 2006 - to condone the delay of 2453 days to bring on record the legal representatives of the deceased sole appellant (Annammal)

(ii) C.M.P.No.5353 of 2006 - to set aside the abatement caused due to the death of the sole appellant (Annammal)

(iii) C.M.P.No.5354 of 2006 - to bring on record Mrs.Mary Rajam as legal representative of the deceased sole appellant (Annammal)

(iv) C.M.P.No.5355 of 2006 - to condone the delay of 595 days to bring the legal representatives of the deceased second respondent (Vellai Kannammal) in S.A.No.1489 of 1986

(v) C.M.P.No.5356 of 2006 - to set aside the abatement caused due to the death of the second respondent (Vellai Kannammal)

(vi) C.M.P.No.5357 of 2006 - to bring on record the following members viz.,

G.K.ILANTHIRAIYAN, J.,

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| 1. Saroja | 4. Jayasankar |
| 2. Rathnavel | 5. Loganathan |
| 3. Gopi | 6. Govindammal |

as legal representatives of the deceased second respondent (Vellai Kannammal) and the said petitions were allowed by this Court vide order dated 21.04.2006.

3. Heard the learned counsel on both sides.

4. Having been convinced with the reasons stated in the affidavit filed in support of the petition, this Court is inclined to allow the present petition.

5. Accordingly, the order of dismissal dated 24.10.1998 passed by this Court in S.A.No.1489 of 1986 is set aside and the said Second Appeal is restored.

6. List the S.A.No.1489 of 1986 for hearing on 21.01.2020.

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