

**CMP.Nos.12141, 12140 & 12129 of 2021 in**  
**SA.No.1265 of 2005**

**ABDUL QUDDHOSE, J.**

These civil miscellaneous petitions have been filed (a) to condone the delay of 1286 days in filing an application to set aside the abatement caused due to the death of the second Appellant, (b) to set aside the abatement caused due to the death of the second Appellant and (c) to bring on record the legal representatives of the deceased second Appellant as Appellants 3 to 6 in the main second appeal.

2. This Court is satisfied with the reasons stated in the affidavit filed in support of these petitions.

3. Even though, learned counsel for the respondents has seriously objected the allowing of these petitions, these petitions will have to be allowed, in view of the fact that it is a partition suit.

4. If at all the respondents have any objection with regard to bringing on record of the legal representatives of the deceased second Appellant, they can raise the same, when the main second appeal is heard. Accordingly, these civil miscellaneous petitions are allowed as prayed for.

5. Registry is directed to carry out the necessary amendments in the cause title and list the main second appeal for hearing on 21.09.2021.

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