

CMP No.15977 of 2017
in
S.A. No.1979 of 2002

ABDUL QUDDHOSE, J.

This petition has been filed to condone the delay of 830 days in restoring the order dated 13.10.2014 in S.A. No.1979 of 2002, wherein, this Court had dismissed the appeal filed by the appellant, A.V.Venkat Rao as abated.

2. The petitioners in this petition, now claim that they are the Legal Representatives of the deceased A.V.Venkat Rao and in the affidavit filed in support of the condone delay application, they have stated that they came to know about the pendency of this case only on 03.11.2016, when they received a notice from the respondents counsel calling upon them to render accounts. According to the petitioners, immediately thereafter, they filed this petition in March 2016 without undue delay.

3. Heard Mrs.R.Kamala Rani, learned counsel for the respondents 1,3 and 4.

4. The learned counsel for the respondents has also not raised any serious objection for allowing this petition. However, she would submit that costs will have to be imposed on the petitioners for such an inordinate delay.

5. This Court after hearing the respective counsels submission is of the considered view that the Second Appeal can be heard on merits and therefore, this petition, can be allowed subject to the condition that the petitioners, pay costs to the respondents / defendants for this inordinate delay. Accordingly, CMP No.15977 of 2017 is allowed as prayed for, subject to the condition that the petitioners pay the respondents / defendants a sum of Rs.1,500/- (Rupees one thousand and five hundred only) as costs on or before 12.08.2021, failing which this petition shall stand automatically dismissed.

6. Only on payment of such costs and production of proof thereof, the Second Appeal will stand restored back to file.

7. List the main Second Appeal for the hearing on 16.08.2021.

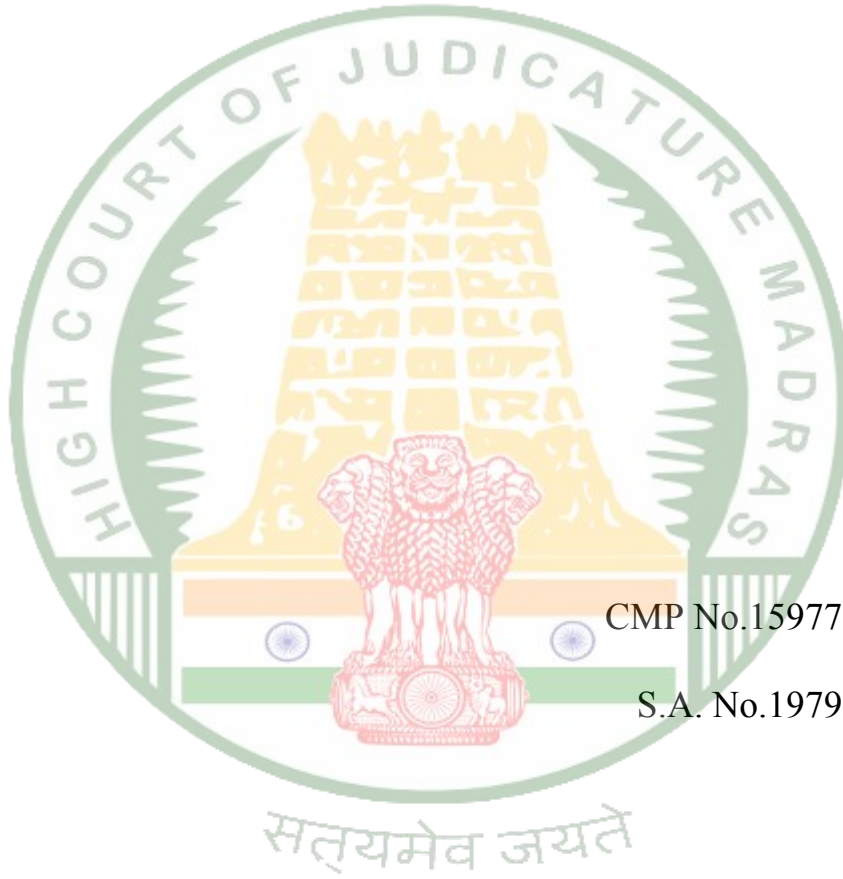
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