



C.M.P.Nos.547 & 548 of 2010

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in S.A.Nos.149 & 150 of 2003

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C.V.KARTHIKEYAN, J.

In both the Second Appeals, the 1st respondent had died.

2.The applications are on the board of the Court relating to condone the delay in filing application to set aside abatement, to set aside abatement and bringing on record the legal representatives of the deceased 1st respondent. However, it is also seen that the appeals themselves have been dismissed on 03.02.2010.

3.This Civil Miscellaneous Applications have been filed to restore the Second Appeal.

4.It had been stated in the affidavit filed in support of the present applications that the appeal was filed and after about 10 years “Kudamulukku” function was scheduled on 11.04.2010. It was stated that owing to mis-communication, there was no representation and the Second Appeals had been dismissed for non prosecution.

5.Further, a perusal of the records of both the Second Appeals show that they had been admitted and substantial questions of law had been framed.



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6.It is only be appropriate that the Court answers the substantial questions of law and shortcircuiting the Second Appeal would be of no advantage to either the appellant or the respondents herein. I would therefore restore the Second Appeals and then consider the other Civil Miscellaneous Applications.

7.The Civil Miscellaneous Applications are allowed. The Second Appeals are restored.

8.List the connected Civil Miscellaneous Petitions for consideration on 02.08.2022.

20.07.2022

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