



WEB COPY



A.No.1780 of 2022

in

C.S.No.290 of 2015

V.BHAVANI SUBBAROYAN.J.

This application has been filed by the plaintiff's husband namely K.Sankaralingam to condone the delay of 470 days in bringing the legal heirs of the plaintiff on record in the above suit.

2. It is averred in the affidavit filed in support of this application that the plaintiff namely P.Vasugi filed the above suit for partition and allotment of 1/4th share in the suit properties belonging to her late father Ponnusamy Naicker. While the above suit was pending, the plaintiff died on 07.07.2020 during the pandemic. The plaintiff was survived by her husband and three daughters namely K.Sankaralingam, S.Sujatha, M.Revathy and S.Sandhya. The 1st defendant P.Visalakshi, sister of the plaintiff, also died on 24.02.2022. She was survived by her two daughters namely Amudha and Kavitha, and she was also survived by S.Punitha, w/o predeceased son Sudhakar, S.Bharath, s/o predeceased son Sudhakar, and Ilakiya, d/o predeceased son Sudhakar. The 2nd defendant S.Shanthi, another sister of the plaintiff, also died on 04.05.2021. She was survived by her legal heirs S.Baskar and S.Sumithra who are already on record as Defendant Nos.3 and 4 in the suit.

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3. It is also averred in the affidavit that, during the Covid Pandemic, there was no communication with their counsel. When the case came up for hearing on 07.03.2022, their counsel contacted them regarding the above case. At that time, they intimated him about the death of the plaintiff and defendants 1 and 2 during the pandemic period. Insofar as the plaintiff is concerned, the suit is abated and there is a delay of 470 days in bringing her legal heirs as plaintiffs 2 to 5. The said delay is neither wilful nor wanton but due to lack of communication between them and the counsel. Hence, they prayed that the delay may be condoned for bringing the legal heirs of deceased plaintiff on record in the above suit.

4. Being satisfied with the reasons stated in the affidavit filed in support of this application, this application is allowed and the delay of 470 days in bringing the legal heirs of deceased plaintiff on record in the above suit is condoned.

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26.04.2022
(1/4)

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