



C.M.P.Nos.410 & 411 of 2016 in
C.R.P.No.Sr.No.48295 of 2011

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C.V.KARTHIKEYAN, J.

A procedure envisaged in the Code of Civil Procedure has often been stated that is only a hand maiden and in justice circumstances, have to be examined with keeping in mind the practicality of the issues involved.

2.In the present case, the 1st revision petitioner had died. There has been a delay in bringing on record his legal representatives. Since there has been a delay, abatement had come in. Three applications are required. One is to condone delay in filing application to set aside abatement, to set aside abatement and to bring on record the legal representatives.

3.The petitioner had filed an application in C.M.P.Nos.410 & 411 of 2016. They were to set aside abatement and to bring on record legal representatives. C.M.P.No.411 of 2016 to bring on record the legal representatives was dismissed by an order dated 09.03.2016 by a learned Single Judge of this Court and to the extent possible records are perused, there were no reasons given. The other application to set aside abatement however, is still pending in C.M.P.No.410 of 2016. An affidavit had been filed and, I would take that affidavit on record and restore C.M.P.No.411 of 2016 back to file.



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4.The learned counsel may examine the records and if required, file an application to condone the delay in setting aside abatement otherwise may file a memo indicating the procedure to be adopted.

5.I am informed that another petitioner in the Civil Revision Petition and the 1st respondent had also died. Necessary steps in this regard to be taken.

6.List both C.M.P.No.410 of 2016 & 411 of 2016 for further hearing in the 1st week of June, 2022.

25.04.2022

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