



WEB COPY



CMP. No.10461 of 2022

in

SA.No.86 of 2016

KRISHNAN RAMASAMY, J.

By judgment dated 01.04.2022, since the sole appellant had passed away, this Court dismissed the appeal as abated. Now, the legal heirs of the sole appellant have filed the present petition, seeking to set aside the judgment passed in S.A.No.86 of 2016 dated 01.04.2022 and to restore the appeal.

2.It is reported that except one of the legal representatives of the appellant, who is the 5th respondent herein, all other respondents viz., Respondents 1 to 4 and 6 had passed away. The learned counsel for the petitioners/proposed appellants submitted that unless the second appeal is restored, they cannot take steps to bring on record the legal heirs of the respondents 1 to 4 and 6.

3. Mr.J.K.Ashok Kumar, learned counsel for the respondents 1, 3 & 4 has fairly conceded that since this Court dismissed the appeal as abated after taking note of the fact that the sole appellant died, unless and otherwise the second appeal is restored, the petitioners/proposed appellants are not in a position to bring on record the LR's of the respondents.



KRISHNAN RAMASAMY.J.,

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4. In view of the above submissions made by the learned counsel for the parties and reasons mentioned in the affidavit filed in support of the petition, this Court is inclined to set aside the judgment passed by this Court, dated 01.04.2022 in S.A.No.86 of 2016.

5. Accordingly, this petition is allowed and the judgment dated 01.04.2022 is set aside and consequently, the appeal in S.A.No.86 of 2016 is restored to file.

16.11.2022

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