



**C.M.P.No.16809 of 2021**  
**in S.A.No.780 of 2002**

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**KRISHNAN RAMASAMY, J.,**

This petition has been filed by the petitioners 1 & 2/proposed appellants 2 & 3 seeking to restore the Second Appeal in S.A.No.780 of 2002, which was dismissed for non-prosecution on 12.07.2021.

2.The learned counsel appearing for the petitioners 1 & 2/proposed appellants 2 & 3 would submit that the sole appellant died on 07.06.2014 and the application to implead his legal heirs was filed in the year 2015 itself and by oversight it was not followed up and inspite of their best efforts the said application could not be traced out. He would further submit that when the matter came up for hearing on 12.07.2021, due to technical problems the learned counsel could not get connected through video conference and the Second Appeal was dismissed as abated. Hence, he prayed to allow the present petition.



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**KRISHNAN RAMASAMY, J.,**

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3.Considering the submissions made by the learned counsel appearing for the petitioners 1 & 2/proposed appellants 2 & 3 and in the interest of justice and to give fair adjudication, this Court feels it would be appropriate to allow the present petition. Accordingly, this petition is allowed.

4.Post the matter on 08.11.2022.

**23.09.2022**

(<sup>1</sup>/<sub>4</sub>)

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