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CMP.No.15190 of 2022

in

SA.No.843 of 2013

KRISHNAN RAMASAMY, J.,

This petition has been filed praying to condone the delay of 6 days in filing the petition to set aside the order of dismissal dated 22.02.2022 as abated in the above second appeal.

2.Heard Mr.V.R.Annagandhi, learned counsel for the petitioner/appellant.

3.The learned counsel for the petitioner / appellant submits that the above second appeal has been dismissed as abated since the sole respondent has died long back and no steps have been taken to implead his legal heirs. However, after the restoration of the above second appeal only, the legal heirs of the sole respondent can be impleaded. Therefore, the learned counsel would urge this Court to allow the present petition.

4.Considering submissions made by the learned counsel for the petitioner/appellant and the reasons stated in the affidavit filed in support



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of the petition and since the delay occurred due to non-tracing out the details of the legal heir of the deceased sole respondent, in the interest of justice, this Court feels it appropriate to allow this petition.

5. Accordingly, this Civil Miscellaneous Petition is allowed.

28.09.2022

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