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C.M.P.Nos.22384, 22387 and 22391 of 2022
in S.A.No.2303 of 2003
and C.M.P.Nos.22385, 22389 and 22388 of 2022
in S.A.No.2304 of 2003

P.T.ASHA, J

These petitions have been filed by the petitioners to condone the delay of 1225 days to set aside the abatement caused due to the death of the sole appellaant; to set aside the abatement caused due to the death of the sole appellant and to bring on record the petitioners 2 to 3 and 9 and 10 respondents herein as appellants 2 to 3 and 9 and 10 respondents in the above second appeals.

2. Heard the learned counsel appearing for the petitioners and the learned counsel for the respondents 3 to 8.

3. In the affidavits filed in support of these petitions, it is stated that the sole appellant had died on 16.03.2019 and that the cause of action for the above suits survive upon the proposed petitioners/appellants. The reason given for the delay is that the petitioners are not aware of the legal procedure. It is no doubt true that the ignorance of law cannot be excused. The suits in question are for declaration and injunction. One suit is filed by the respondents and the other suit is filed by the petitioners/appellants. However, the appellants have lost before both the Courts below.



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srn

4. Considering the substantial questions of law involved in these appeals, it would be in the interest of justice to condone the delay, set aside the abatement and bring on record the legal heirs of the deceased appellant. However, since the delay is quite huge, these petitions are allowed on condition that a sum of Rs.2,000/- (Rupees two thousand only) shall be paid by the learned counsel for the petitioner/appellants to the learned counsel for the respondents on or before 23.12.2022.

5. Post the matter "for reporting compliance" on 03.01.2023. The Registry is directed to carry out the necessary amendments.

6. Mr.Leela Raman, learned counsel for the petitioners/appellants assures this Court that on 03.01.2023, he will commence and conclude the arguments.

21.12.2022

srn

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