



WEB COPY



C.M.P.No. 19351 of 2023

in

S.A. No. 670 of 2009

T.V. THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to restore the S.A.No.670 of 2009, which was dismissed as abated.

2. Mr.Johnson, learned counsel for petitioner/appellant submitted that while dismissing the second appeal on 29.10.2021, this Court had assigned the reason that the appellant died and no steps taken to implead his legal heirs, but on the other hand, appellant was not died, however, the respondent died.

3. On seeing the facts, based on erroneous reason, the Second Appeal was dismissed. Hence, it is liable to be set aside. Accordingly, this Court is inclined to set aside the order passed by this court dated 29.10.2021 in S.A.No. 670 of 2009 and to restore the Second Appeal.

6. Post the matter on 21.09.2023.

28.08.2023

rpp



WEB COPY



T.V.THAMILSELVI, J.

rpp

C.M.P.No. 19351 of 2023
in
S.A. No. 670 of 2009

28.08.2023