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CMP.No.2166 of 2023
in S.A.No.1122 of 2005

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T.V.THAMILSELVI, J.

This Petition has been filed to condone the delay of 1391 days in filing a petition to set aside the order dated 05.03.2019 made in S.A.No.1122 of 2005 to re-admit the same on the file of this Court.

2. The learned counsel for the respondents submitted that the death of the first respondent was already informed to the petitioners, but the petitioners have not taken any steps to implead the legal heirs, with an intention to drag on the proceedings. He further submitted that the petitioner is having knowledge about the death of the person and purposely has not taken steps, hence he raised strong objection and prays to dismiss the petition with costs.

3. Heard the learned counsel for the petitioners and the learned counsel for the respondents and also perused the materials available on record.



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3. On being satisfied with the averments stated in the affidavit filed in support of the petition and the submissions made by the learned counsel on either side, the petitioners are directed to pay a sum of Rs.2,500/-(Rupees Two thousand Five hundred only) to the learned counsel for the respondents, within a period of one weeks from today and on such payment the delay of 1391 days in filing application for restoration is condoned.

4. Accordingly, this Civil Miscellaneous petition is allowed.

25.08.2023

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