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A.Nos.1448 to 1451 of 2023 in
T.O.S.No.24 of 2009

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R.N.MANJULA,J.

The plaintiff died during the pendency of the Testamentary Original suit whose legal heirs have not been brought on record. Hence, the suit was dismissed on 22.06.2022 due to non representation of the plaintiff. Now, the legal representatives of the deceased plaintiff have filed the following applications for the relief's stated hereunder:

S.No.	Application No.	Relief sought for
1	A.No.1448 of 2023	To condone the delay of 214 days in filing the restoration petition to restore TOS No.24 of 2009 which is dismissed on 22.06.2022
1	A.No.1449 of 2023	To condone the delay of 258 days in filing the petition to set aside abatement caused due to the death of the plaintiff on 30.11.2021 in TOS No.24 of 2009
2.	A.No.1450 of 2023	To set aside the abatement caused due to the death of the plaintiff in TOS.No.24 of 2009
3.	A.No.1451 of 2023	To bring on record the proposed applicants 1 and 2 as the legal representatives of the deceased plaintiff as plaintiffs 2 and 3 in the suit

2. Heard the learned counsel for the applicants and the learned counsel appearing for the respondents.

3. The learned counsel for the respondents have no serious objection in allowing these petitions.



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4. In view of the same and also in the interest of justice, these applications are allowed. The delay of 214 days in filing the application to restore the suit is condoned. The Testamentary Original Suit is restored on file. Consequently, the delay of 258 days in filing the petition to set aside abatement is condoned and the abatement caused due to the death of the plaintiff is set aside and the proposed applicants 1 and 2 are ordered to be impleaded as the legal heirs of the deceased plaintiff.

5. The applicants / plaintiffs are directed to carry out the necessary amendment in the cause title of the plaint and file an amended copy of the same within a period of two weeks.

03.04.2023

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Note: Post the main suit after two weeks

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