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A.No.878 of 2023

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in
C.S.No.907 of 2000

C.SARAVANAN, J.

The application has been filed to set aside the order dated 04.08.2021 dismissing the suit for non-prosecution and to restore the suit on file. On the previous occasion on 08.02.2023, A.No.5415 of 2022 was allowed for condoning the delay of 267 days in filing application to set aside the order dated 04.08.2021. Considering the fact that the delay has been condoned, the above application is taken up for hearing today. It is noticed that the judges summons was served on the counsel for defendant as early as 30.06.2022. However, no steps have been taken by the defendant to file any written statement.

2.On the other hand, the 3rd and 4th defendants died during the pendency of the proceedings. Considering the above fact to allow the above application to restore the suit to the file of this court deserves to be allowed. Accordingly, application stands allowed. The suit stands restored to the file of this court.



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3.Considering the fact, it is submitted that the 3rd and 4th defendants have passed away during the pendency of the suit, the learned counsel for the defendants is directed to serve the details of the LR's of the deceased Defendants 3 and 4, to the learned counsel for the plaintiff so that the plaintiff can file appropriate application to bring LR's of the deceased defendants on record.

4.List this case on 03.04.2023. By which time, the details of the LR's of the deceased defendants is directed to be served on the counsel for the applicant/plaintiff.

15.02.2023

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