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CMP.No.14601 of 2023
in S.A.No.1203 of 2014

C.M.P.No.14601 of 2023
in
S.A.No.1203 of 2014

T.V.THAMILSELVI, J.

This Petition has been filed to condone the delay of 449 days in filing the appeal for restoration of Second Appeal in S.A.No.1203 of 2014.

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

3. The learned counsel for the respondents submitted that in order to drag on the proceedings this petition has been filed by the appellants. After filing of the final decree application, they have filed this application without giving proper explanation for the delay and one of the respondents also passed away. Mediation in this case has already been effected, but the parties were not agreed to co-operate for the settlement. Hence, he raised objection.



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4. Considering the fact, that the property belongs to the father of the parties and the suit is filed for partition between the sisters and brothers and during the pendency of the proceedings, their father also passed away and the legal heirs were impleaded and another respondent is also nearly 80 years. The delay of 499 days in filing the application for restoration is condoned.

5. Accordingly, this Civil Miscellaneous petition is allowed.

26.07.2023

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