



C.M.P. No.4538 of 2024

in

S.A. No. 1058 of 2012

K. RAJASEKAR, J.

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This Civil Miscellaneous Petition has been filed by the petitioners herein seeking to condone the delay of 556 days in filing the set aside abatement petition caused due to death of the sole respondent/ K.G. Mohan Babu in S.A. No.1058 of 2012.

2. The learned counsel for the appellant submits that the sole respondent in S.A. No.1058 of 2012 was died on 25.12.2021, leaving behind M.Lakshmi, M.Sarvesh (minor) and Eswari as his legal heirs. He further submitted that only on 24.01.2024, the counsel for the respondents provided the details of the legal heir and death certificate of the deceased sole respondent, hence there is a delay in filing the petition. Therefore, he prayed to condone the delay of 556 days in seeking to set aside the abatement caused by the death of the sole respondent.

3. The learned counsel appearing for the respondents raised no objections.

4. Heard the learned counsels on both sides and considering the reasons stated in the affidavit filed in support of this petition, the aforesaid delay of 556 days is condoned. Registry is directed to carryout necessary amendment.

5. Accordingly, this Civil Miscellaneous Petition is ordered.

12.09.2024

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