



C.M.P. No.4285 of 2022

in

S.A. No. 1070 of 2009

K. RAJASEKAR, J.

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This Civil Miscellaneous Petition has been filed by the petitioners herein seeking to condone the delay of 1346 days in filing the set aside abatement petition caused due to death of the first appellant/ Sambasiva Mudali in S.A. No.1070 of 2009.

2. The learned counsel for the appellant submits that the first appellant in S.A. No.1070 of 2009 was died on 27.01.2018, leaving behind Mr.Kamalakannan as his legal heir. He further submitted that only recently, he came to know about the death of the first appellant, only when he had informed the second appellant about the case, hence there is a delay in filing the petition. Therefore, he prayed to condone the delay of 1346 days in seeking to set aside the abatement caused by the death of the first appellant.

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 1346 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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