



C.M.P. No.10406 of 2022

in

S.A. No.1068 of 2012

K. RAJASEKAR, J.

This Civil Miscellaneous Petition has been filed by the petitioners herein seeking to condone the delay of 812 days in filing the set aside abatement petition caused due to death of the sole appellant in S.A.No.1068 of 2012.

2. The learned counsel for the appellant submits that the sole appellant in S.A. No.1068 of 2012 was died on 03.11.2019, leaving surviving petitioners herein as his Legal representatives. He further submits that the sole appellant alone was handling the case and after his death, only recently counsel on record contacted the petitioners regarding the case, the petitioners have informed him about the death of the sole appellant, hence there is a delay in filing the petition. Therefore, he prayed to condone the delay of 812 days in seeking to set aside the abatement caused by the death of the sole appellant.

3. The learned counsel appearing for the respondent raised his 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 812 days is condoned. Registry is directed to carryout necessary amendment.

5. Accordingly, this Civil Miscellaneous Petition is ordered.

19.08.2024

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stn

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