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C.M.P.No. 23215 of 2024

in

S.A. No. 1140 of 2006

T.V. THAMILSELVI, J.

This petition has been filed seeking to restore the above second appeal, which was dismissed as abated on 01.03.2024 by setting aside the said order.

2. Ms.S.Thamizharasi, learned counsel for petitioners/legal heirs of appellant submitted that the above Second Appeal was dismissed as abated on 01.03.2024. He would submit that the petition to bring on record the legal heirs of deceased appellant was filed by the earlier counsel on 03.11.2009, but it was either returned or numbered and it was numbered only on 17.04.2024. He would submit that though the petition was filed in time, earlier counsel did not follow it and brought it to the court and did not mention it in the court. Only after the dismissal of Second Appeal on 01.03.2024, the petitioner came to know the same. He would also submit that not bringing up the petition to bring on record the LRs. of deceased appellant within a time is neither willful nor wanton, but due to the bonafide reason stated above. Hence, he has filed the above petition to restore the above S.A.



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3. Considering the facts and circumstances, and being satisfied with the reasons assigned in the affidavit filed in support of the petition seeking to restore the Second Appeal, this Court is inclined to allow this petition and to restore the above second appeal.

4. Post the matter on 06.01.2025.

25.11.2024

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