



C.M.P.No. 14356 of 2022

in

S.A. No. 567 of 1999

T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 111 days in filing the petition to restore S.A.No.567 of 1999, which was dismissed as abated on 28.03.2022.

2. Mr.Kandhan Duraisami, learned counsel for petitioners/appellants submitted that the 1st appellant died on 25.06.2016 and he only looked after the appeal proceedings. After his demise, only recently he came to know about the dismissal of the above appeal. So, due to unaware of procedures, he could not file this petition within time and he was hastening to file the present petition to restore the appeal. In view of the same, there is a delay of 111 days in filing the above petition. Hence, he has filed the above petition to condone the delay and to restore the S.A.

3. Considering the facts and circumstances and the fact that as the defendants, they are having valid defence to contest the suit, which was filed by the plaintiff seeking for declaration and permanent injunction and if



the above second appeal is not restored, their right to defend the case would be defeated. Therefore, this Court is inclined to allow this petition and to restore the above second appeal.

5. Post the matter on 27.09.2024.

18.09.2024

rpp



WEB COPY

3



T.V.THAMILSELVI, J.

rpp

C.M.P.No. 14356 of 2022
in
S.A. No. 567 of 1999

18.09.2024