



C.M.P.No.19393 of 2023

in

S.A.No.827 of 2006

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G.ARUL MURUGAN, J.,

This petition is filed to condone the delay of 482 days in filing the restoration petition. The restoration petition has been filed to restore S.A.No.827 of 2006, which was dismissed for non-prosecution on 22.06.2021.

2. Pending this petition, the 7th respondent/proposed respondent in this Second Appeal died and the respondents 5 and 6/proposed respondents are already on record as the legal heirs of the deceased 7th respondent. This Court, by order dated 30.01.2024, issue notice to the respondents and the counsel had entered appearance for the respondents.

3. Heard the learned counsel for the petitioners. There is no representation on the side of the respondents.

4. It is submitted that the sole appellant died at the age of 93 years, due to Covid-19 and also the petitioners, who are also senior citizens and who are carrying on their livelihood by daily wages, are not aware of the pendency of this Second Appeal. Only later, they came to know about this Second Appeal, they took time to find out their counsel and verify the status. Only then, they came to know that the Second Appeal has been dismissed and also they have taken steps. However, the delay is occurred, which is not intentional.

5. Perused the affidavit filed in support of this petition and having satisfied with the reasons, this petition is ordered with a condition to pay a sum



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G.ARUL MURUGAN, J.,

apd

of Rs.2,000/- to the Tamil Nadu State Legal Services Authority, High Court,
Madras, within a period of two weeks from today.

18.03.2024

apd

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