



WEB COPY



*C.M.P.No.5570 of 2020
in A.S.No.948 of 2014*

C.M.P.No.5570 of 2020
in
A.S.No.948 of 2014

S.SOUNTHAR,J.,

It is brought to the notice of this Court, the application filed by the legal representatives of the deceased sole appellant in C.M.P.No.5570 of 2020 seeking to set aside the order of dismissal of the appeal as abated on 18.02.2020 has not been allowed when the order was passed in the set of applications filed to bring on record the legal representatives of the deceased sole appellant on 03.09.2025.

2. In the affidavit filed in support of this petition to set aside the order, it has been stated by the legal representatives of the deceased sole appellant that erstwhile counsel engaged by the deceased sole appellant was aged about 84 years old and he could not continue the appeal. Hence, the present learned counsel entered appearance by filing change of vakalat on 11.06.2018 in S.R.No.8224 of 2018.

3. Since the erstwhile counsel preferred a petition to substitute the legal



*C.M.P.No.5570 of 2020
in A.S.No.948 of 2014*

WEB COPY

heirs and copy of the said petition was found in the bundle handed over to him, the present counsel bonafidely believed that the steps have already been taken to bring on record the legal representatives of the deceased sole respondent. However, only at the time of hearing, it could be noted that the applications have not been filed by the earlier counsel. Therefore, the above appeal was dismissed on 18.02.2020 as abated.

4. Having satisfied with the reasons assigned in the affidavit filed in support this application, the C.M.P.No.5570 of 2020 is allowed.

**17.09.2025
(1/3)**

dm



WEB COPY



*C.M.P.No.5570 of 2020
in A.S.No.948 of 2014*

S.SOUNTHAR,J.

dm

**C.M.P.No.5570 of 2020
in A.S.No.948 of 2014**

**17.09.2025
(1/3)**