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C.M.P.Nos.13642, 13647 & 13650 of 2025 and
C.M.P.Nos.26982, 26984, 26988, 26993 & 26994 of 2023 in
S.A.No.477 of 2011

C.V.KARTHIKEYAN, J.

All these petitions have been filed to condone the delay in filing the petition to restore the Second Appeal and to condone the delay in filing the petitions to restore the Civil Miscellaneous Petitions. The Second Appeal and the Civil Miscellaneous Petitions had been dismissed on 24.06.2024. At that particular point of time, the seventh respondent Amoloper Leela Mary had died and since legal heir petition had not been filed, the learned Single Judge of this Court had dismissed the Second Appeal and also the pending Civil Miscellaneous Petitions.

2. These petitions are therefore filed to restore the Second Appeal and to restore the Civil Miscellaneous Petitions which had been dismissed for non-prosecution and also incidentally to condone the delay in filing the application to set aside the abatement caused due to the death of the 7th respondent and to set aside the abatement caused due to the death of the 7th respondent and to bring on record the legal heirs of the deceased 7th respondent.

3. Notice had been directed and it is contended that notice had been served. Incidentally, the appellant had also died and applications have been filed and allowed to bring on record the legal heir of the appellant to



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prosecute the Appeal further. The Second Appeal had not been admitted. The learned counsel will have to make out a case for admission of the Second Appeal. Hence, it would only be appropriate, if these petitions are allowed.

4. Taking an over all view of the entire issue, all these petitions are allowed and the Second Appeal is restored back to file and the Civil Miscellaneous Petitions are restored back to file. The delay in filing a petition to set aside the abatement is also condoned and the abatement is set aside and the legal heir of the 7th respondent may be brought on record as the respondents 9 and 10.

5. The Registry to carry out the necessary amendment recording the death of the 7th respondent *viz.*, Amoloper Leela Mary and to bring on record her legal heirs as 9th and 10th respondents in the Second Appeal.

10.07.2025

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