



C.M.P.Nos.13862, 13864 & 13868 of 2025

in

S.A.No.670 of 2009

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C.V.KARTHIKEYAN, J.

The appellant was the plaintiff in O.S.No.650 of 1997 on the file of the I Additional Sub Court at Coimbatore and he had filed a suit seeking specific performance of an agreement which had been entered into with the defendant therein for sale of 8 cents and 160 sq.ft., of land equivalent to 3645 sq.ft. The sale consideration was determined at Rs.1,30,000/- per cent. The appellant / plaintiff had paid towards sale consideration a sum of Rs.5,000/- and another sum of Rs.50,000/- and yet another sum of Rs.27,000/- totalling sum of Rs.82,000/- in three instalments. The suit had been dismissed by the learned Trial Judge. Thereafter, the appellant filed A.S.No.67 of 2006 which came up for consideration before the Principal District Court, Coimbatore and by judgment dated 31.12.2008, the decree of the Trial Court was confirmed.

2.Pending the appeal, the respondent / defendant had died and these petitions had been filed seeking to condone the delay of 2138 days in filing petition to set aside abatement, to set aside abatement and to bring on record his legal representatives in the appeal.



C.V.KARTHIKEYAN, J.

smv

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3.This Court had requested the learned counsel for the appellant to make out a case for admission of the Second Appeal. The learned counsel requests time. But there is a representation on behalf of the respondent and the learned counsel stated that he has an instruction to enter appearance on behalf of the proposed respondents / legal representatives of the deceased 1st respondent.

4.Taking all the factors into consideration, these petitions are allowed. The Registry to carry out necessary amendment in the cause title to the Second Appeal reflecting the death of the sole respondent and bring on record, as her legal representatives, the proposed respondents as shown in the petitions.

19.06.2025

smv

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