

HIGH COURT OF ANDHRA PRADESH :: AMARAVATHI

MAIN CASE No: S.A.No.482 of 2000

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
23.	16.12.2024	<u>TMR, J</u> <u>I.A.No.1 of 2019</u> This Interlocutory Application is filed to condone the delay of 3244 days in filing the L.R. petition in the appeal. Both the learned counsel are present. Learned counsel for the respondent(s) filed counter stating that affidavit filed is very vague. It further states that he came to know about the death and nothing is specified in the affidavit and the cause shown in the affidavit for the delay occurred is not sufficient to condone the delay. The affidavit, goes to show that the petitioner in his affidavit categorically stated that the respondent No.4 died on 26.06.2010 and the date of death is specifically mentioned. So it is not vague submission. The contention of the petitioner is that he could not file an application to implead the proposed parties as he was unaware of the death of the respondent Nos.1 to 4. Since the death of the respondents is not in dispute and the status of the proposed parties is not in dispute and on being satisfied with the reasons stated in	Contd...

the affidavit, this Court is of the view that an opportunity shall be given to the parties to decide the matter on merits. However, considering the long delay occurred in filing the L.R. petition, this Court is of the view that to impose costs of Rs.1,000/- payable to other side through their counsel within two (02) days.

In the result, this Interlocutory Application is allowed and the delay of 3244 days is hereby condoned.

TMR, J

I.A.No.2 of 2019

This Interlocutory Application is filed to set aside the abatement caused due to the death of the 1st respondent.

Both the learned counsel are present.

Learned counsel for the respondent(s) filed counter stating that affidavit filed is very vague. It further states that he came to know about the death and nothing is specified in the affidavit and the cause shown in the affidavit for the delay occurred is not sufficient to condone the delay.

Since the death of the respondents is not in dispute and the status of the proposed parties is not in dispute and on being satisfied with the reasons stated in the affidavit, this Court is of the view that an opportunity shall be given to the parties to decide the matter on merits.

Accordingly, this Interlocutory Application is

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allowed.

TMR, J

I.A.No.3 of 2019

This Interlocutory Application is filed to bring the proposed respondent Nos.5 and 6 herein to implead as respondent Nos.5 and 6 in the array of respondents in the appeal.

Both the learned counsel are present.

Learned counsel for the respondent(s) filed counter stating that affidavit filed is very vague. It further states that he came to know about the death and nothing is specified in the affidavit and the cause shown in the affidavit for the delay occurred is not sufficient to condone the delay and he did dispute the status of the legal representatives.

Since the death of the respondents is not in dispute and the status of the proposed parties is not in dispute and on being satisfied with the reasons stated in the affidavit, this Court is of the view that an opportunity shall be given to the parties to decide the matter on merits.

Accordingly, this Interlocutory Application is allowed.

TMR, J

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		<u>S.A.No.482 of 2000</u> List the matter after two weeks. <u>TMR, J</u> M K K	
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