

C.M.P.Nos.242 to 244 of 2011

&

C.M.P.No.429 of 2015

in

S.A.No.812 of 2004

P.R.SHIVAKUMAR.J.,

The sole appellant Pattusamy Gounder died during the pendency of the second appeal. As steps were not taken within the time allowed by the rules, the second appeal stands abated. Now the legal representatives of the deceased sole appellant have come forward with these petitions to implead them as appellants 2 and 3, to set aside abatement caused by the death of the sole appellant and to condone the delay in filing the petition to set aside abatement. They have been numbered as C.M.P.Nos.244, 243 and 242 of 2011 respectively. C.M.P.No.429 of 2015 has been filed for correcting the cause title in which, by mistake, it has been noted that the 3rd and 4th respondents, who remained ex parte in the lower Court, were given up, instead of seeking an order dispensing with the service of notice on them.

2. The learned counsel appearing for the contesting respondents submits that they do not have any objection for allowing the above said miscellaneous petitions.

3. The said submission made on behalf of the contesting respondents is recorded and all the four miscellaneous petitions are allowed. The delay caused in filing the petition to set aside abatement

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gpa

is condoned and the abatement caused by the death of the sole appellant is set aside. Petitioners 2 and 3 are impleaded as legal representatives of the sole appellant and ranked as appellants 2 and 3 in the second appeal. The amendment to the cause title sought for is also allowed.

25.08.2015

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