

C.M.P.Nos.2547 to 2549 of 2007
in S.A.No.1649 of 1996

DR.G.JAYACHANDRAN, J.

Pending disposal of the second appeal, the sole respondent died on 28.07.2000. Therefore, the appellant has taken out the above three petitions. The first petition in C.M.P.No.2547 of 2007 is to condone the delay of 2409 days in filing the petition to set aside the abatement caused due to the death of the first respondent; the second petition in C.M.P.No.2548 of 2007 is to set aside the abatement caused due to the death of the deceased sole^t respondent and the third petition in C.M.P.No.2549 of 2007 is to bring on record the legal representative of the deceased sole respondent as respondents 1 and 2 in the above appeal.

2. This Court has directed the appellant to serve notice on the proposed respondents. The service on the second proposed respondent was completed. Insofar as the first proposed respondent is concerned, the appellant failed to serve notice on her and hence, the Court has dismissed the application as against the first proposed respondent on 16.09.2015. Though the name of the second proposed respondent was printed in the cause list, he has not chosen to appear before this Court either in person or through the counsel. Hence, these applications are allowed. Mr.Vijayakumar (the second proposed respondent), who is son of the deceased sole respondent is permitted to be impleaded as Legal heir of the deceased sole respondent in the second appeal as respondent. Insofar as the wife Vimala, the first respondent was not served. So, these petitions are dismissed as against her.

23.12.2016

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Note:Office is directed to carry out necessary amendment in the main appeal and post the case on 23.1.2017.

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