

C.M.P Nos: 965 to 967 of 2013
in S.A.No.1163 of 2004

Dr.G.Jayachandran.,J.

This application is filed to condone the delay of 628 days to set aside the abatement of 7th respondent. This Court has ordered notice to the respondents. While the proposed respondents have entered appearance through counsel.

2. Notice to the 2nd respondent has not been served both in the Second Appeal as well as in the CMP. The learned counsel appearing for the appellant has filed Affidavit of service stating that the private notice taken to serve the 2nd respondent N.R.Shanmugam returned unserved and requested the Court to record the same and treat the service as completed. However, this Court has ordered the learned counsel for the appellant to take fresh notice to the correct address, which the appellant has not so far complied. The matter is pending for more than 14 years. The interest of the 2nd respondent is similar to the other defendants namely N.G.Govindan and N.G.Dhanavijayan all are sons of N.R.Margabandhu, the first defendant who deceased subsequent to the filing of the suit, hence no further notice to 2nd respondent required.

Dr.G.Jayachandran,J.

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3. In the result, the application to condone the delay of 628 days is allowed, as a consequence, the prayer to set aside the abatement of 7th respondent and the prayer to permit the petitioner to bring Legal representatives of the deceased 7th respondent on record are allowed.

4. Registry is directed to carry out the amendment in the cause title and list the matter on 02.01.2019.

14.12.2018

Index:yes/No

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