IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **15.11.2016**

CORAM

THE HON'BLE MRS.JUSTICE **PUSHPA SATHYANARAYANA**

Application Nos.6951 to 6953 of 2014
in
C.S.No.125 of 2012

S.Shankar .. Applicant in all the applications

vs

1. S.Subramaniam (Died)
2. S.Chitra
3. R.Karpagarani
4. S.Dhanlakshmi
5. S.Veeramuthu
6. S.Veeramani
7. S.Roopavathy
8. A.K.Narayana Shah
9. S.Kanni
10. S.Velmurugan
11. S.Srinivasan .. Respondents in all the applications

[Respondents 9 to 11 are the legal heirs of deceased first defendant]

Prayer: Applications filed under Order XIV Rule 8 of O.S. Rules, r/w Section 5 of the Limitation Act and Order 22 Rules 9 4 of the Code of Civil Procedure seeking (i) to condone the delay of 727 days in setting aside the abatement in C.S.No.125 of 2012, (ii) to set aside the abatement caused due to the death of the first defendant and to bring on record the legal representatives of the deceased first defendant and rank them as defendants 9 to 11 in the suit and (iii) to bring on record the proposed respondents 9 to 11, who are the legal heirs of the deceased first defendant, viz., S.Subramanian as defendants 9 to 11 in the suit respectively.

PUSHPA SATHYANARAYANA,J.,
vj2

For Applicant : Mr.GR.M.Palaniappan
in all the applications

For Respondents : No appearance

COMMON ORDER

These applications have been filed by the applicant/plaintiff seeking to condone the delay of 727 days in setting aside the abatement caused due to the death of first defendant; to set aside the abatement and to bring on record the proposed respondents 9 to 11, who are the legal heirs of the deceased first defendant, viz., S.Subramanian as defendants 9 to 11 in the suit respectively.

2. Heard the learned counsel for the applicant/plaintiff.

3. Despite notice being served on the respondents and their name also printed in the cause list, none appears.

4. Being satisfied with the reasons stated in the affidavit filed in support of these applications, this Court is inclined to allow the applications.

5. Accordingly, all these applications are allowed as prayed for.

6. Two weeks time granted to carry out the amendment.

15.11.2016

vj2

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