

Application Nos.7082 to 7084 of 2018
in
C.S.No.485 of 2008

KRISHNAN RAMASAMY, J.,

1.1. The learned counsel appearing for the applicant submitted that the second respondent has died on 19.05.2015 but the applicant came to know about the same only during the month of June, 2015 and thereafter, he (applicant's counsel) issued a Letter dated 01.06.2015 to the counsels who had entered appearance for the second respondent seeking their confirmation regarding the death of the second respondent but there was no reply to the said letter. He would also submit that the applicant brought the above details to the knowledge of this Court only on 21.03.2017 by way of an affidavit.

1.2. The learned counsel further submitted that despite his best efforts, he could not get the details of the legal representatives of the deceased second respondent, however, subsequently, he obtained details about the wife and sons of the deceased second respondent which are mentioned hereinbelow:

- (i) Widow - Ms.Panchammal
- (ii) First Son - Mr.Mani Bharathi &
- (iii) Second Son - Mr.Karuppusamy

Thereafter, he has filed the Applications in A.Nos.7082 to 7084 of 2018 for the following reliefs:

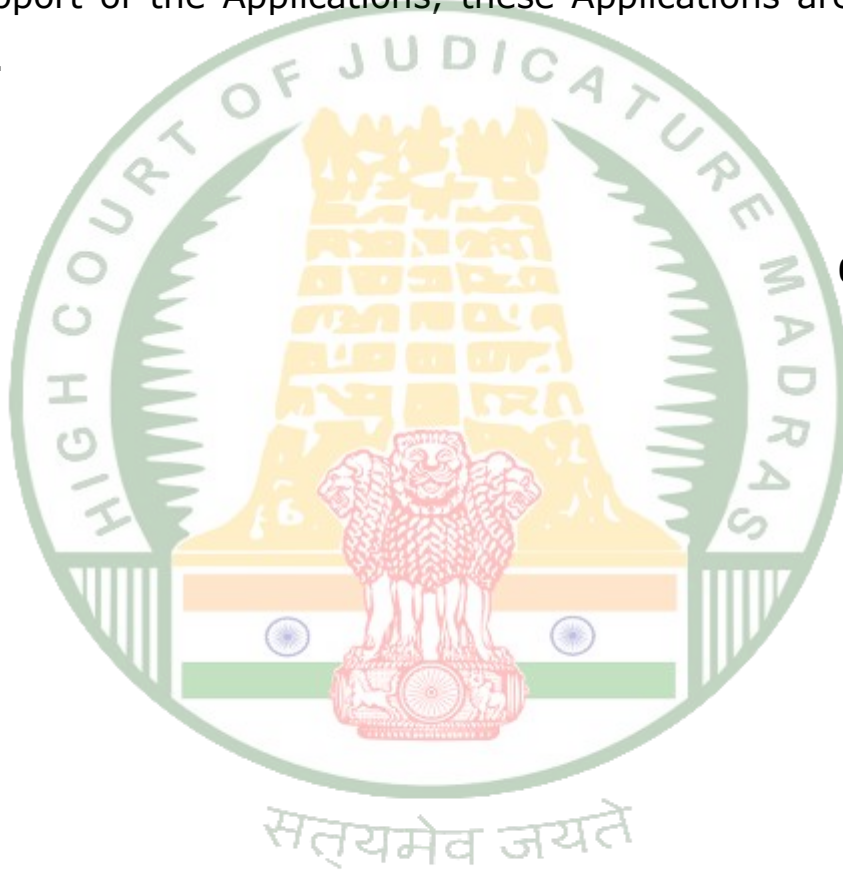
Sl.No.	Application Nos.	Reliefs
1	A.No.7082 of 2018	To condone the delay of 1177 days in bringing on record the legal representatives of the late second respondent.
2	A.No.7083 of 2018	To bring on record the respondents 4 to 6 as legal representatives of the deceased second defendant as defendants 4 to 6 in the above suit.
3	A.No.7084 of 2018	To set aside the abatement of the suit as against the second defendant.

2. By order dated 30.11.2018, this Court directed notice to the respondents 4 to 6 through Court as well as privately returnable by 14.12.2018 and also directed to list the matter on 14.12.2018. On 14.12.2018, the learned counsel appearing for plaintiff submitted that there is considerable difficulty in serving the notice through usual mode and therefore, he seeks the permission of this Court to serve the respondents 4 to 6 through substituted service and this Court also directed the Registry to list the matter before the learned Master on 19.12.2018 and after the completion of service through substituted service mode, list the matter before this Commercial Court. Thereafter, the plaintiff took notice through Paper Publication in the Chennai Edition of the Tamil Daily viz., Makkal Kural on 20.01.2019 and called upon the respondent 4 to 6 to appear before the learned Master. Even after the paper publication, none appeared before the learned Master and so the learned Master directed the Registry to list this matter before this Commercial Court.

3. Today (04.06.2019), when the matter is taken up for hearing, none appeared on behalf of the respondents 4 to 6.

4. Having been satisfied with the reasons stated in the affidavit filed in support of the Applications, these Applications are ordered as prayed for.

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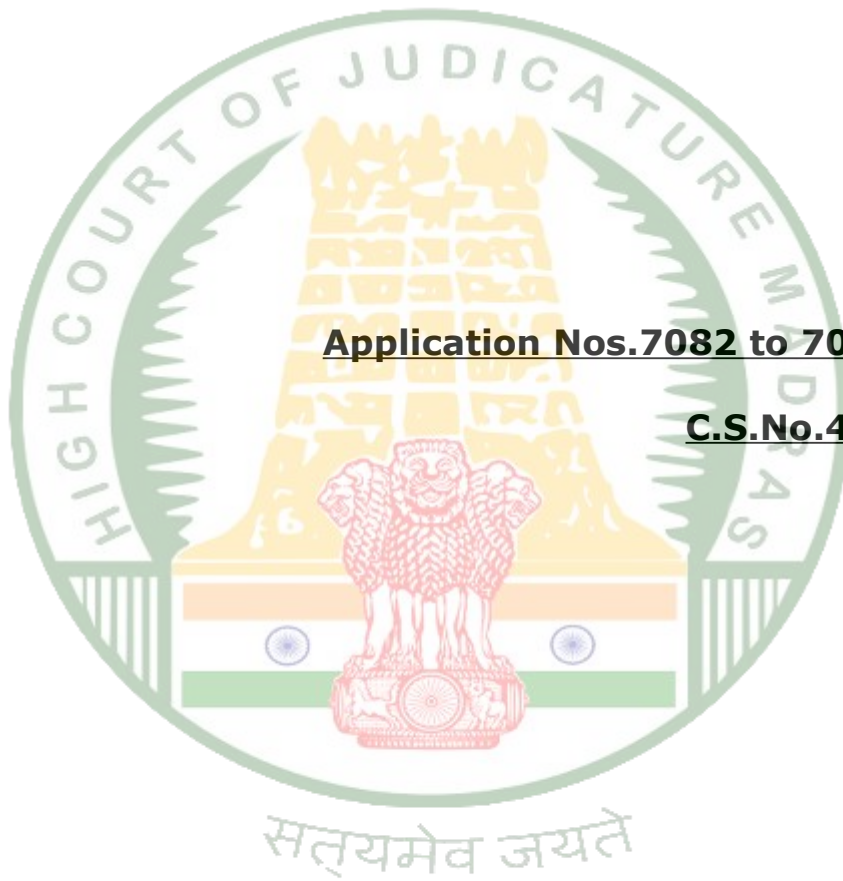


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