

C.M.P.Nos.4388, 4393 & 4394 of 2020
in
S.A.No.1313 of 1993

Dr.G.JAYACHANDRAN,J.

Pending Second Appeal, the second respondent died and the same was intimated to the appellant on 22.01.2020. Thereafter, the petitions have been taken to condone delay of 2880 days to set aside the abatement caused due to the death of the second respondent and to bring legal representatives on record.

2. This Court has ordered notice to the proposed parties and also permitted to take private notice.

3. From the Registry record, this Court finds that proposed respondents 12 and 13 served notice and for respondent 14, notice returned as insufficient address. Taking into consideration of the fact that the suit is of the year 1987 and the Second Appeal being pending before this Court since 1993, this Court is of the view that no further adjournment be given for completion of service to the proposed respondent 14.

4. In any event R.14 is going to enter into the shoes of the deceased second respondent, whose sons Natarajan and Narayanan has already been served notice. Notice on the proposed respondent who is a married daughter of the deceased second respondent dispensed. Hence the service is sufficient for the purpose to allow these petitions.

5. Accordingly, the petition for condone delay of 2880 days is allowed. Consequently, the petitions to set aside the abatement and to bring on record of the legal representatives of the deceased second respondent are allowed.

6. The learned counsel for the appellant has given a memo to hear the matter in virtual hearing. Hence the Registry is directed to list the case on 03.11.2020 in virtual hearing.

rpl

13.10.2020

Note: The Registry is directed to carry out necessary amendment.

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