

C.M.P.Nos.13341, 13343 and 13347 of 2020**in****S.A.No.1058 of 2009****DR.G.JAYACHANDRAN,J.**

The second appeal is filed against the concurrent findings of the Courts below.

2. When the matter was taken up for final disposal on earlier occasion, it was reported that the learned counsel appearing for the sole appellant died and therefore, legal aid counsel Mr.R.Ganesh Babu was appointed to contact the appellant and get instruction. Accordingly, Mr.Ganesh Babu, the legal aid counsel appointed by the High Court has contacted the appellant and found that both the appellant E.Rajamanicka Mudaliyar and his wife Anjaliammal died on 18.06.1990 and 11.01.2013 respectively. His L.Rs. are interested in pursuing the matter and filed the application to condone the delay and set aside the abatement and consequently application to set aside the abatement to bring L.Rs. on record filed. The legal aid counsel had also taken notice to the respondent Thamaraiselvan, on 01.10.2020, informing the respondent about the applications. The said notice was received by Thamaraiselvan on 06.10.2020

DR.G.JAYACHANDRAN,J.

VRI

Postal acknowledgment card annexed along with affidavit of service.

3. In the light of the above fact, the application to condone the delay of 130 days to set aside the abatement, application to set aside abatement and to bring the L.Rs. on record in C.M.P.Nos.13341, 13343 and 13347 of 2020 are allowed. Registry is directed to carry out necessary amendment and list the matter on **20.01.2021**.

4. Learned counsel for the appellant is directed to take notice to the respondent again intimating about the order passed by this Court today in their applications and informing the respondent that the matter will be taken up for disposal on 20.01.2021.

17.12.2020

vri

WEB COPY

C.M.P.Nos.13341, 13343 and 13347 of 2020
in
S.A.No.1058 of 2009