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C.M.P.Nos.178 to 183 of 2013
in S.A.No.1769 of 2003

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S.A.No.1769 of 2003

J.NISHA BANU, J.

C.M.P.Nos.178, 179 and 180 of 2013 in S.A.No.1769 of 2003 have been filed by the petitioner i)to condone the delay of 522 days in filing the petition to set aside the abatement caused due to the death of the 1st respondent; ii) to set aside the abatement caused due to the death of the 1st respondent and; iii) to bring on record the respondents 2 to 5 herein as legal representatives of the deceased 1st respondent as respondents 3 to 6 in the above appeal.

2.C.M.P.Nos.181, 182 and 183 of 2013 in S.A.No.1769 of 2003 have been filed by the petitioner i)to condone the delay of 1932 days in filing the petition to set aside the abatement caused due to the death of the 2nd respondent; ii)to set aside the abatement caused due to the death of the 2nd respondent and; iii) to bring on record the 5th respondent herein as legal



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representative of the deceased 2nd respondent and arrayed him as 7th respondent in the above appeal.

3.Heard the learned counsel for the petitioner.

4.On a perusal of the records, it is seen that the proposed 2nd and 5th respondent viz., Rathinam and Vasanthi in C.M.P.Nos.178, 179 and 180 of 2013 and proposed 5th respondent viz., Palanisamy in C.M.P.Nos.181, 182 and 183 of 2013 were served with notice and whereas, the other proposed respondents 3 and 4 viz., i) Ranjitham and ii) Varadharaj in C.M.P.Nos.178, 179 and 180 of 2013 have been returned with an endorsement "addressee not located". Even though, paper publication was effected in respect of the unserved respondents 3 and 4 and the name of the respondents have been printed in the cause list, none appeared for the proposed respondents.

5.On being satisfied with the reasons stated in the affidavits filed and also the submissions of the learned counsel for the petitioner, these miscellaneous petitions are ordered as prayed for subject to the condition



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that the petitioner shall pay a sum of Rs.2,000/- (Rupees two thousand only) to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras within a period of one week, failing which these petitions shall stand dismissed.

6.Registry is directed to carry out the necessary amendment in the above appeal.

16.11.2021

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**C.M.P.Nos.178 and 181 of 2013
in S.A.No.1769 of 2003**

16.11.2021