

C.M.P.Nos.1102, 1104 and 1109 of 2021
in S.A.No.296 of 2017

KRISHNAN RAMASAMY.J.,

C.M.P.No.1102 of 2021 has been filed to condone the delay of 1223 days in filing the petition to set aside the abatement caused due to the death of the 1st respondent in S.A.No.296 of 2017.

C.M.P.No.1104 of 2021 has been filed to set aside the abatement caused due to the death of the 1st respondent S.A.No.296 of 2017.

C.M.P.No.1109 of 2021 has been filed to bring on record the respondents 2 to 7 as legal representatives of the deceased 1st respondent.

2.The learned counsel for the petitioners submitted that the particulars of the legal heirs of the deceased 1st respondent were not available and the petitioners came to know the same in the last week of December 2020. Therefore, the delay has been occurred.

3.Mr.A.Sathish Kumar, learned counsel entered appearance for the proposed respondents 2 to 7 and submitted that the petitioners and the respondent are neighbors and the petitioners are very well aware about the legal heirs of the deceased 1st respondent.

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4.However, the learned counsel for the petitioners submitted that he was not aware of the details of all the legal heirs and that is the reason why the delay has been occurred.

5.In reply, the learned counsel for the proposed respondents 2 to 7 submitted that in the event of allowing the petitions, some costs may be imposed on the petitioners.

6.Considering the submissions and being satisfied with the reasons stated in the affidavit filed in support of the petitions, this Court is inclined to allow the present petitions with costs. The learned counsel for the petitioners is directed pay a costs of Rs.2,000/- to the learned counsel for the respondents on or before 20.03.2021.

7.Thereafter, Registry is directed to carryout necessary amendments in the causetitle and list the case.

16.03.2021

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