

C.M.P.Nos.953, 955 & 956 of 2021
in
A.S.No.170 of 2004

G.JAYACHANDRAN, J.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. The 6th respondent namely N.Selvam, who was the 1st defendant in the suit died on 25.10.2000 and these petitions are taken out (i) to condone the delay of 7393 days in filing the petition to set aside the abatement caused due to the death of N.Selvam /6th respondent in the appeal suit and the 1st defendant in the suit (ii) to set aside the abatement and (iii) to bring on record the legal representatives of the deceased 6th respondent.

3. On perusal of the affidavit filed in support of these three petitions indicates that the 1st defendant-N.Selvam died on 25.01.2000 much prior to the disposal of the suit. However, the appellant herein was not aware of the fact and came to know about recently. Thereafter, he has taken out these petitions for the relief as stated above.

4. The learned counsel appearing for the respondents has no objection in allowing these petitions.

5. Recording the same, the delay of 7393 days is condoned. Accordingly, condone delay petition is ordered. Consequently, the petitions to set aside the abatement and (iii) to bring on record the legal representatives of the deceased 6th respondent are allowed.

6. The Registry is directed to carryout necessary amendment by impleading the proposed respondents/legal heirs of the deceased N.Selvam. The 1st defendant N.Selvam remained exparte in the suit. Hence, the learned counsel for the appellant is directed to take private notice to the newly impleaded respondents returnable by 15.02.2021.

7. Call the matter on 15.02.2021.

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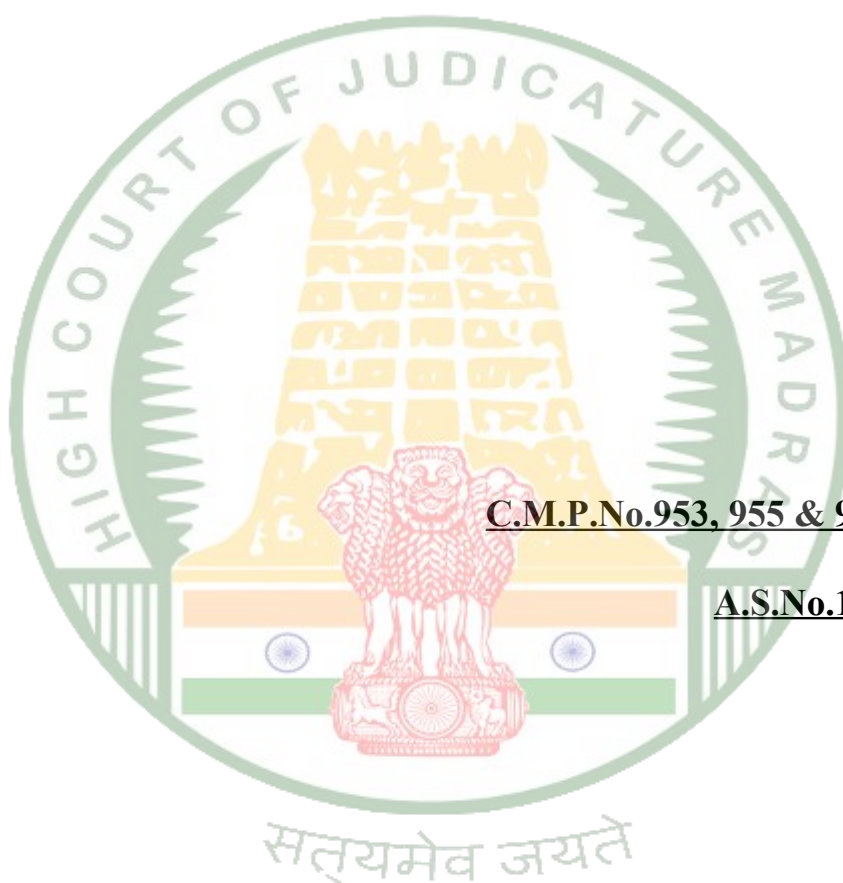
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