

CMP Nos.4917, 4919 and 4921 of 2020

in

A.S.No.543 of 2006

DR.G.JAYACHANDRAN,J.

In a partition suit aggrieved by the judgment of the trial court, the third defendant has preferred this appeal. Pending appeal, the second defendant in the suit died and therefore, these applications have been filed to condone delay of 3510 days in filing the petition to set aside the abatement caused due to the death of the third respondent and consequently, to set aside the abatement and to bring the L.Rs. of the deceased third respondent.

2. This Court, on earlier occasion after perusing the petitions ordered notice to the proposed parties and also permitted the petitioner to take private notice.

3. Today, affidavit of services filed stating that the wife of the deceased Shanmugavadivelu has received notice whereas the two daughters of Shanmugavadivelu, having left India, the notice sent to them was returned to the sender with intimation "Addressee left India, cover returned to sender".

DR.G.JAYACHANDRAN,J.

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4.Taking note of the fact that the appeal arises out of the suit for partition and the parties interested are substantially represented and on being satisfied with the reasons stated for the delay, the above applications are allowed.

5.Registry is directed to carry out amendment and list the matter for final disposal on **17.03.2021**.

03.03.2021

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