



A.Nos. 4132 & 4138 of 2021
in Arb.O.P.(Comm.Div.) No. 107 of 2021

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SENTHILKUMAR RAMAMOORTHY,J.

These applications are filed to set aside the abatement caused by the death of the sole respondent and to bring on record respondents 1 to 3 in Application No. 4138 of 2021 as respondents 2 to 4 in O.P. No. 107 of 2021.

2. The petition under Section 34 of the Arbitration and Conciliation Act, 1996 was filed challenging the arbitral award dated 17.08.2018. After such petition was filed, the sole respondent passed away on 09.05.2021. Upon his death, the petition abated. In addition to the application to set aside the abatement, the applicants filed an application to implead the legal heirs of the deceased sole respondent.

3. The legal heirs of the deceased sole respondent are represented through counsel. The counsel concurs in the fact that the proposed respondents are, indeed, the legal heirs of the deceased sole respondent.



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UMAR RAMAMOORTHY,J.

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4. In view of the said submissions, the present applications are liable to be allowed. Accordingly, the following directions are issued:

(i) The abatement caused by the death of the sole respondent is set aside;

(ii) Respondents 1 to 3 in Application No. 4138 of 2021 are brought on record as respondents 2 to 4 in O.P. No. 107 of 2021.

The above applications are allowed on these terms and without any order as to costs.

5. The applicants/petitioners are directed to carry out the consequential amendment to the petition on or before 02.12.2021. Upon carrying out such amendment, a copy of the amended petition shall be served on the respondents.

6. List O.P. No. 107 of 2021 on 02.12.2021.

18.11.2021

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