

A.Nos.8484 of 2019, 3603 & 3603 of 2021
in
C.S.No.675 of 2005

R.SUBRAMANIAN, J.

A.No.8484 of 2019 has been filed seeking condonation of delay of 1434 days in filing the application to set aside the abatement caused by the death of the 5th defendant, G.D.Natraj Prabhu in C.S.No.675 of 2005

2.A.Nos.3602 & 3603 of 2021 have been filed seeking to set aside the abatement and to bring on record the legal representatives of the deceased 5th defendant. Since the efforts to serve the legal representatives through regular process failed, steps were taken for substituted service and the legal representatives eventually, served by publication made in one issue of "Indian Express" and "Dinamalar". The copies of the publication have also been filed. Hence, the service on the legal representatives is deemed sufficient.

3.Accepting the reasons assigned in the affidavit filed in support of the applications, these applications are allowed, the delay of 1434 days in filing the application to set aside the abatement is condoned, the abatement caused by the death of the 5th defendant is set aside and the proposed party namely, the respondents 7, 8 and 9 are brought on record as legal representatives of the 5th defendant and ranked as defendants 9, 10 and 11 in the suit. Counsel for the plaintiff to carry out the amendment and file amended copies of the plaint by 08.11.2021.

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4.It is seen that the defendants 7 to 11 have been impleaded as legal representatives of the deceased 3rd and 5th defendants, it is therefore, become necessary to serve suit summons on them. As far as the legal representatives of the 3rd defendant is concerned, who have been impleaded as the 7th & 8th defendant, the counsel for the plaintiff is permitted to serve suit summons on Mr.Vennimalai, learned counsel, who had entered appearance for the legal representatives of the 3rd defendant as per Order IV of Rule 7 of Sub-rule 3 of the Original side rules. As regards the other parties, who have been impleaded, the suit summons have to be sent through Court as well as privately. Registry is directed to send the suit summons directly by Registered Post without resorting service through the jurisdictional Civil Court.

05.10.2021

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