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C.M.P. Nos. 780, 781 & 782 of 2011
in C.R.P. No. 1666 of 2003

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T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 408 days in filing the petition to implead the legal representatives of deceased 1st petitioner, to set aside the abatement caused due to the death of 1st petitioner, and to bring on record the proposed petitioner herein as legal representatives of deceased 1st petitioner.

2. Mr.V.Murali, learned counsel for petitioners herein submitted that pending Civil Revision Petition, 1st petitioner died on 08.01.2010. He would submit that the petitioner is not aware of above revision pending before this court and only recently, he came to know about the same. Thereafter, after ascertaining the particulars of the case, he has filed this petition to bring on him on record. However, the delay of 408 days arose and the delay is neither willful nor wanton. Hence, he has filed the above petitions.



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3. Mr. K.P.Gopalakrishnan, learned counsel for contesting respondents/plaintiffs appeared and raised objection stating that the reason for the delay has not been properly explained. However, due to pendency of the proceedings, he needs some stay order. He would also submit that the Civil Revision Petition is pending from the year of 2003, now the petitioner had filed the above petition to implead legal heir of deceased V.P.Sakthivel, 1st petitioner and the impugned claim in the original suit is for recovery of possession as well as claiming arrears of rent from tenants. So, he wants to settle the issue as early as possible on merits.

4. Considering his objections as well as the reasons assigned in the application and on considering the pendency of proceedings between the parties, this Court is inclined to allow the above petitions. Accordingly, the proposed legal representatives of the 1st petitioner is impleaded as 5th petitioner in the above Civil Revision Petition.

16.09.2022

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Note :- The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 11.10.2022.



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