



C.M.P.Nos.3831, 3874, 3876 & 3877 of 2021

in

S.A.No.1189 of 2008

C.V.KARTHIKEYAN,J.

CMP.No.3877 of 2021 has been filed consequent to the death of the first respondent. Notices had been directed and affidavit of service had been filed indicating that Notices had been served to the proposed respondents 4, 5 and 6.

2.It is seen from the affidavit filed in support of CMP.No.3877 of 2021 that the first respondent died on 23.02.2020 and that immediately necessary details were obtained consequent to the death of the first respondent. Thereafter, the petition has been filed.

3.CMP.Nos.3874, 3876 & 3831 of 2021 have been filed consequent to the death of the third respondent. These petitions have been filed to condone the delay in filing the application to set aside the abatement and to set aside the abatement and to bring on record the legal representatives of the deceased third respondent.



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4. Notices had been directed and affidavit of service had been filed indicating that notices sent to the proposed respondents 7 & 8 were returned on the ground that they have refused to receive the same.

5. It is seen from the affidavit filed in support of these petitions that the third respondent died on 29.03.2018 and the death of the third respondent was not informed immediately. After intense enquiry, the petitioner was able to get the information about the death of the third respondent. Hence, the delay in filing these applications has been neither willful nor wanton.

6. A perusal of the records show that the appeal has been admitted and substantial questions of law had also been framed. It would only be appropriate that the legal representatives of the first and third respondent are impleaded and the appeal is heard in their presence.



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7. In view of the above fact, I would allow these petitions.

Accordingly, these petition are allowed.

sms

16.08.2022

($\frac{1}{2}$)



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