



WEB COPY



CMP.Nos.5990, 5988 & 5992 of 2020

in

S.A.No.556 of 2008

KRISHNAN RAMASAMY.J.,

These petitions have been filed praying (i) to condone the delay of 2811 days in filing the petition to set aside the abatement caused due to the death of the second respondent namely Ms.D.Saroja in the above Second Appeal, (ii) to set aside the abatement caused due to the death of the second respondent, namely Ms.D.Saroja in the above second appeal, (iii) to permit the petitioners/appellants to bring on record the respondents 6 to 9 as the legal heirs of the deceased second respondent namely Ms.D.Saroja and rank them as respondents 6 to 9 in the above second appeal, respectively.

2.Heard, Mr.M.Sarfudeen Ali Ahamed, learned counsel for the petitioners/appellants.

3.Ms.R.Meenal, learned counsel submits that she would appear for the proposed respondents 7 to 9. The learned counsel for the proposed respondents 7 to 9 confirmed that 6th respondent is the legal heir of the



deceased second respondent and notice has not been served in respect of the 6th respondent. Despite service of notice on all other respondents, none appeared on behalf of them.

4.However, taking into consideration the submissions made by the learned counsel for the petitioners/ appellants and the reasons assigned in the affidavits filed in support of these petitions and also in view of the fact that the appeal has been pending for more than 13 years and in the interest of justice, this Court feels it appropriate to allow the present petitions.

5.Registry is directed to carry out necessary amendment in the cause title within a period of two weeks and post the Second Appeal for final hearing in the second week of February 2023. Registry is also directed to issue notice to the 6th respondent in the Second Appeal, through Court as well as privately, returnable by 10.02.2023.

28.11.2022

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