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CMP.Nos.11711, 11715 and 11723 of 2022

in

SA.No.1276 of 2009

KRISHNAN RAMASAMY.J.,

These petitions have been filed praying (i) to condone the delay of 4309 days in filing the petition to set aside the abatement caused due to the death of the 3rd respondent namely Okathantha Padayachi Ranganathan in the above second appeal, (ii) to set aside the abatement caused due to the death of the respondent, namely, Okathantha Padayachi Ranganathan in the above second appeal (iii) to permit the petitioner/appellant to bring on record the proposed 7th respondent herein as legal heirs of the deceased respondent namely, Okathantha Padayachi Ranganathan in the above second appeal and array him as 8th respondent in the above second appeal, respectively.

2. The learned counsel appearing for the petitioners would submit that during pendency of the Second Appeal, the 3rd respondent died on 10.12.2009, leaving behind him his only son, namey R.Palanisamy, 7th respondent herein and in order to have an effective adjudication of the matter, he has to be brought on record as party respondent in the above appeal. He would further submit that relevant papers were misplaced and



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could not be traced out and in such circumstances, there occurred delay in filing the petition to bring on the legal heirs of the 3rd respondent as well as to set aside the abatement caused due to the death of the 3rd respondent. Therefore, the learned counsel would urge this Court to allow the present applications.

3.The learned counsel for the respondents has reported no objection in allowing these petitions.

4.Considering submissions made by the learned counsel for the petitioners and the reasons mentioned in the affidavits filed in support of the respective petitions and as the delay occurred due to misplacing of the relevant papers, which could not be traced out in time and since no objection reported on behalf of the respondents, this Court feels it appropriate to allow these petitions.

5. Accordingly, these C.M.Ps. are allowed. Registry is directed to carry out necessary amendments in the cause title and list the matter on 28.10.2022.

14.09.2022
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