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CMP.Nos.6596, 6611 & 6613 of 2021
in S.A.No.21 of 2012

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RMT.TEEKAA RAMAN, J.

The appellant in Second Appeal is the plaintiff.

2.During the pendency of the second appeal, the appellant died. Hence, the petitions viz., CMP.No.6596 of 2021 to condone the delay of 785 days in filing petition to set aside the abatement caused due to the death of the sole appellant; CMP.No.6611 of 2021 to set aside the abatement caused due to the death of the sole appellant; CMP.No.6613 of 2021 to bring on record the petitioner Nos.2 to 6 herein as the legal representatives of the deceased and rank them as appellant Nos.2 to 6 in S.A.No.21 of 2012.

3.Pending CMP's second respondent dead. Since the legal representatives of the second respondent are not residing in the same village, the learned counsel for the appellants undertakes to file a memo that legal representatives of second respondent are not necessary and the same is hereby recorded and **the second appeal stands closed as against the second respondent**. R3 was given up. Since third respondent remained ex-parte before the trial court, **notice to the third respondent is dispensed with**.

4.One of the legal representative of the deceased appellant is proposed fourth respondent. Now Mr.Sounthar, learned counsel for the petitioners submitted that he is also joining the hands with present legal representatives.



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5.Having been satisfied with the reasons stated in the affidavits filed in support of these petitions, these CMPs are allowed.

6.In view of the submissions made by the learned counsel for the petitioners/appellants, proposed fourth respondent, who is the legal representative of deceased appellant, is permitted to make necessary application to transpose himself as an appellant.

7. The Registry is directed to amend the cause title within a period of two weeks. For filing of the transpose application, post the matter after two weeks.

31.01.2022

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