



A.Nos.1253, 1254 & 1255 of 2022

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in O.P.No.482 of 2012

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KRISHNAN RAMASAMY.J.,

These applications have been filed by the applicant/petitioner for the following prayers:

(i) to condone the delay of 1113 days in filing petition to set aside the abatement caused on account of the death of the second respondent in O.P.No.482 of 2012.

(ii) to set aside the abatement on account of the death of the second respondent made in O.P.No.482 of 2012.

(iii) to bring on record the 3rd and 4th respondents as the legal representatives of the second respondent in O.P.No.482 of 2012.

2. The learned counsel appearing for the applicant/petitioner would submit that the 2nd respondent entered appearance through their counsel and filed counter affidavit in the month of November 2016 and when the matter was listed on 28.02.2022, the learned counsel for the 2nd respondent reported and filed a memo stating that the 2nd respondent died on 19.11.2018 and his legal heirs certificate and death certificate was furnished. However,



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the learned counsel submits that the applicant has got knowledge only from the respondent's counsel on 28.02.2022. Therefore, the question of abatement does not arise at all. Hence, he prays to set aside the abatement along with condone delay application to implead the legal heirs of the deceased/2nd respondent and bring on record the 3rd and 4th respondents as the legal representatives of the deceased/2nd respondent.

3. The learned counsel appearing for the respondents have reported no objection to these applications.

4. Considering the facts and circumstances and submissions made by the learned counsel for the applicant/petitioner, in the interest of justice, this Court feels it appropriate to give an opportunity to the applicant/petitioner to defend the suit, accordingly this Court is inclined to allow this application.

5. Accordingly, all these applications are allowed.

19.07.2022

Pns



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