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CMP.Nos.8457, 8458 & 8461 of 2022

in

S.A.No.1090 of 2012

KRISHNAN RAMASAMY.J.,

These petitions have been filed praying (i) to condone the delay of 810 days in filing the petition to set aside the abatement caused due to the death of the first respondent namely Prithiviraj, in the above Second Appeal, (ii) to set aside the abatement caused due to the death of the first respondent namely Prithiviraj, in the above second appeal, (iii) to permit the petitioner/appellant to bring on record the proposed respondents 8 to 11, as the legal heirs of the deceased first respondent, in the above second appeal, respectively.

2.Heard, Mr.D.Rajasekar, learned counsel for the petitioner/appellant and Mr.S.Ramesh Kumar, learned counsel for the respondents 8 to 11.

3.The learned counsel appearing for the petitioner/appellant would submit that delay was occurred in getting the details of the LR's of the deceased respondent since after due enquiry only, he got the names and addresses of the LR's of the deceased respondent. Therefore, the learned



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counsel would urge this Court to allow the present petitions.

4. On the other hand, the learned counsel for the respondents 8 to 11 has submitted that the petitioner/appellant has not properly explained the reasons for the delay.

5. In view of the submission made by the learned counsel for the petitioner/appellant, that delay was occurred in getting the names and addresses of the Lrs of the deceased respondent and also considering the averments made in the affidavits filed in support of the respective petitions and in the interest of justice, this Court is inclined to allow these petitions.

6. Accordingly, these petitions are allowed. Registry is directed to carry out necessary amendment in the cause title within two weeks and list the second appeal for final hearing on 09.01.2023.

14.11.2022

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