



C.M.P.Nos.9061, 9064 & 9066 of 2022

and

C.M.P.Nos.9062, 9063 & 9067 of 2022

in

S.A.No.336 of 2003

C.V.KARTHIKEYAN,J.

The first three petitions have been filed consequent to the death of the first respondent and seeking to condone the delay in filing the petition to set aside the abatement and to set aside the abatement and to bring on record the legal representatives of the first respondent as respondents 4 to 7.

2.The next batch of three petitions have been filed consequent to the death of the third respondent and seeking to condone the delay in filing the petition to set aside the abatement and to set aside the abatement and to bring on record the legal representatives of the third respondent as respondents 8 & 9.

3.Notice has been directed to the proposed respondents. Unfortunately notice could not be served owing to the fact that doors were locked. Therefore, this Court by an order dated 08.07.2022 directed



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the Registry to print the names of the proposed respondents along with their address. The names and address of the proposed respondents are printed in the cause list. But, there is no appearance on behalf of the proposed respondents. However, no purpose would be served in holding over the said Civil Miscellaneous Petitions still on the board of the Court.

4.In the affidavit filed in support of these petitions seeking to condone the delay, it had been stated that the knowledge of the death of the first and third respondents had been brought to the notice of the counsel only when notice was issued by Mr.N.Damodaran, learned Advocate dated 24.01.2022. It was only then the information was actually informed about the death. However, the delay is calculated from the date of actual death.

5.In view of the fact that the second appeal had been admitted and substantial questions of law had been framed, a duty is cast on the Court to answer the substantial questions of law, these applications are allowed.

sms

26.07.2022

C.V.KARTHIKEYAN,J.



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