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CMP.Nos.7611, 7612 & 7613 of 2022

in

S.A.No.1079 of 2007

KRISHNAN RAMASAMY.J.,

These petitions have been filed praying (i) to condone the delay of 2436 days in filing the petition to set aside the abatement caused due to the death of the first respondent in the above Second Appeal, (ii) to set aside the abatement caused due to the death of the first respondent in the above second appeal, (iii) to permit the petitioners/appellants to bring on record the respondents 5 and 6 herein, as the legal heirs of the deceased first respondent in the above second appeal, respectively.

2.Heard, Ms.R.Meenal, learned counsel for the petitioners/appellants and Mr.V.Raghavachari, learned counsel for the fourth respondent.

3.The learned counsel for the petitioners /appellants has submitted that they were not able to get the details of the LRs in time and thereby, the delay had occurred. It is also reported that R1 & R2 had passed away and the legal heir of R2 was already impleaded as the 4<sup>th</sup> respondent and the legal heirs of R1 were also impleaded as the respondents 5 and 6. Despite



service of notice and the names were also printed in cause list, none appeared for the other proposed respondents.

4.The learned counsel for the fourth respondent has reported no objection in allowing these petitions.

5.Therefore, in view of the submission made by the learned counsel for the petitioners/appellants and considering the averments made in the affidavits filed in support of the respective petitions and also no objection reported by the learned counsel for the fourth respondent and in the interest of justice, these petitions are allowed.

6.Registry is directed to carry out necessary amendment in the cause title within a period of two weeks and post the second appeal for final hearing on 27.02.2023.

28.11.2022

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