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CMP.Nos.11884 to 11886 of 2018

&

S.A.No.556 of 2002

KRISHNAN RAMASAMY.J.,

These petitions have been filed praying (i) to condone the delay of 249 days in filing the petition to set aside the abatement caused due to the death of the deceased respondent namely Damodharan, in the above Second Appeal, (ii) to set aside the abatement caused due to the death of the deceased respondent namely Damodharan in the above second appeal, (iii) to permit the petitioner/appellant to bring on record the proposed respondents 3 to 5 herein as the legal heirs of the deceased respondent namely Damodharan, in the above appeal and rank them as respondents 4 to 6 in the above second appeal, respectively.

2.Heard Mr.J.Ramakrishnan, the learned counsel for the petitioner/appellant. It is seen that the private notice taken to the respondents 1 to 3 returned with a postal endorsement that “refused”. Therefore, the name of the respondents have been printed in cause list. Despite the name of the respondents have been printed in cause list, none appeared on behalf of the respondents.



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3. Therefore, considering the averments made in the affidavits filed in support of the respective petitions and in view of the fact that the appeal is pending from the year 2002, and in the interest of justice, this Court is inclined to allow these petitions.

4. Accordingly, these petitions are allowed. Registry is directed to carry out necessary amendment in the cause title within a period of two weeks and list the Second Appeal on 19.12.2022.

20.10.2022

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