



WEB COPY



CMP.Nos.14751, 14752 & 14753

SA.No.2143/2003

C.V.KARTHIKEYAN, J.,

All these three applications have been filed consequent to the death of the first appellant.

2. There had been a delay in filing the applications to bring on record the legal representatives and owing to such delay, abatement had also crept in. The application in CMP.No.14751/2021 had been filed seeking to condone the delay of 969 days in filing the application to set aside the abatement and also the consequential applications to set aside the abatement and to bring on record the legal representatives of the deceased/1st appellant.

3. In the affidavit filed in support of CMP.No.14751/2021, it had been stated that the death of the 1st appellant was not intimated to the learned counsel and thereafter, when the matter was listed before this Court for final hearing, the learned counsel had contacted the parties to get instructions and only then, it was informed that the 1st appellant had died.

4. Heard the learned counsel for respondents 2 to 6 also.

5. In view of the fact that it is only appropriate that since the Second Appeal has been admitted and substantial questions of law have been framed, the legal representatives of the deceased/1st appellant are also be given an opportunity to prosecute further the appeal, the delay is **condoned** ; abatement is **set aside** and the legal representatives of the deceased/1st appellant are **brought on record**.

6. The above miscellaneous petitions are **allowed**.

10.06.2022

[1/2]

AP

Internet : Yes