



WEB COPY



A.No.2539 of 2022
in C.S.No.215 of 2021

A.No.2539 of 2022
in C.S.No.215 of 2021

KRISHNAN RAMASAMY.J.,

This Application is filed to set aside the abatement caused by the death of Late S.Palani, 3rd plaintiff in the Suit C.S.No.215 of 2021.

2. The learned counsel appearing for the applicants/proposed plaintiffs would submit that the 2nd applicant is the brother of the deceased S.Palani and 1st applicant is the sister and 3rd and 4th applicants are children of the deceased. The wife of the deceased, predeceased him and the 3rd and 4th applicants are the only surviving legal heirs of the deceased. After the death of S.Palani, the minor children/3rd and 4th applicants are under the custody of 2nd applicant. The learned counsel further submitted that due to covid pandemic situation and due to financial crises in paying education fees of minor children, the 2nd applicant was unable to meet the counsel on time i.e., within 90 days, to set aside the abatement caused by the death of S.Palani, which is neither willful nor wanton. Hence, he prays to set aside the abatement.



WEB COPY



A.No.2539 of 2022
in C.S.No.215 of 2021

KRISHNAN RAMASAMY.J.,

Pns

3. Considering the facts and the submissions made by the learned counsel for the applicants and the reasons stated in the affidavit filed by the 2nd applicant in support of the Application, this Court is inclined to allow the application.

4. Accordingly, this Application stands allowed.

06.07.2022

Pns

A.No.2539 of 2022
in C.S.No.215 of 2021