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C.M.P.Nos.14289, 14290 & 14292 of 2021

**C.M.P.Nos.14289, 14290 & 14292 of 2021**

**in**

**S.A.No.383 of 2002**

**C.V.KARTHIKEYAN, J.**

The three Civil Miscellaneous Applications have been filed owing to the fact that the second respondent to the Second Appeal had died. Necessitating bringing on record the legal representatives.

2.The second respondent was the second plaintiff in the suit.

3.The Second Appeal has been filed by the defendants.

4.The entire issues around the usage or otherwise of a cart track and both the Courts below have come to a differing conclusion over the usage of the said cart track.

5.The learned counsel for the first respondent who also appeared for the second respondent prior to his death and who entered appearance on behalf of the first respondent had informed the learned counsel for the appellants that the second respondent had died and had given necessary details.

6.It is the grievance of the learned counsel for the first respondent that such information was given in the year 2010 and now with the delay of more than 3400 days, the applications have been filed to condone the delay in filing the application and to set aside the abatement and to bring on



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record the legal representatives. It is also pointed out by the learned counsel for the first respondent that acceptable reasons have not been given in the affidavit.

7.The learned counsel for the petitioner however states that it took have some time to get the addresses and thereafter file the petition.

8.Though the delay is considerable, I would allow all the three Civil Miscellaneous Applications and set aside the abatement and bring on record the legal representatives.

07.07.2022  
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