



C.M.P.Nos.12491, 12492 and 12486 of 2021

in

C.R.P.No.4051 of 2018

C.V.KARTHIKEYAN,J..

All the three Civil Miscellaneous Petitions are filed by the petitioner seeking to condone the delay of 256 days in filing the applications to bring on record the legal representatives of the deceased respondent, Kuppi Reddy and also to set aside the abatement and to bring on record the legal representatives.

2. In the affidavit filed in support of these applications, it had been stated that the petitioner was not aware of the death of the respondent or the details of the legal representatives. He stated that no prejudice will be caused if the applications were filed.

3. The learned counsel for the respondent Mr.R.Krishnamsamy however raised an objection by pointing out that the deceased respondent resided in the very same village and naturally the claim that the petitioner was not aware of the death, could not be accepted.

4. However there is an obligation on the learned counsel for the respondent/defendant to inform the Court about the death by filing a memo and also giving the details of the legal representatives. That has not been done.

5. I would rather that the applications are allowed and the abatement is set aside and the delay is condoned and permit to bring on record the legal representatives.



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C.V.KARTHIKEYAN,J.,

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5. The Registry is directed to carry out the necessary amendment in the cause title indicating the death of the first respondent and bringing on record of the legal representatives.

6. Mr.R.Krishnasamy, learned counsel appears for the legal representatives also.

7. All the three applications are allowed.

8. List the C.R.P for final hearing on 23.02.2022.

09.02.2022

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