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C.M.P.Nos. 10785, 10787 & 10789 of 2022

in

S.A. No. 628 of 2013

T.V. THAMILSELVI, J.

These petitions are filed seeking to condone the delay of 902 days in setting aside the abatement, to set aside the abatement and to bring on record the proposed respondents 4 and 5 herein as legal representatives of deceased 2nd respondent in the above Second Appeal.

2. Mr.T.S.Baskaran, learned counsel for petitioner/appellant submitted that as the appellant, being a senior citizen and aged about 80 years, is not in a position to follow up with case and moreover, the case was listed in the year 2013 and thereafter, now only listed. However, on verification, she came to know that the 2nd respondent died on 13.08.2019, and accordingly, she brought on the same to the knowledge of her counsel, thereby the delay of 902 days occurred. She would also submit that the delay is neither willful nor wanton. Hence, he prayed to allow the above petitions.

3. Ms.R.Meenal, learned counsel appearing for the respondents 3 to 5 appeared and undertakes to file vakalat on behalf of proposed respondents.



4. Considering the facts and circumstances, and being satisfied with the reasons assigned in the affidavit, all the petitions are allowed. The proposed legal representatives of the 2nd respondent are impleaded as respondents 4 and 5 in the above Second Appeal.

5. Registry is directed to carry out necessary amendment in the cause title.

02.08.2022

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