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C.M.P. Nos.11691, 11697 & 11705 of 2022
in S.A.Nos.1040 & 1005 of 2013

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T.V. THAMILSELVI, J.

These petitions are filed seeking to condone the delay of 1282 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of sole appellant, and to bring on record the proposed appellants 2 to 6 herein as legal representatives of deceased sole appellant.

2. Mr.P.Sidharthan, learned counsel for petitioners/appellants submitted that pending appeal, sole appellant died on 08.08.2018. He would submit that he has sought details of death certificate and legal heir certificate from the 2nd appellant, however, he has also shifted his office from law chambers to National Insurance building, thereby, this case bundle was mixed up with disposed bundles. Further, during the year 2020 and 2021, Covid-19 pandemic arose. Hence, the delay of 1282 days arose and the delay is neither willful nor wanton. Hence, he has filed the above petitions.



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3. Mr. P.Chandrasekaran, learned counsel for respondents 2 to 5 appeared and submitted that he has no objection in allowing this petition.

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 sole appellant are impleaded as appellants 2 to 6 in the above Second Appeal.

5. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 17.08.2022.

08.08.2022

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