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C.M.P.Nos. 11651, 11658 & 11664 of 2022

in
S.A. No. 1005 of 2013

T.V. THAMILSELVI, J.

These petitions are filed seeking to condone the delay of 1282 days in setting 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 also submit that since the case was not listed for quite some time, the issue of bringing legal representatives could not be resolved immediately and moreover, during the year 2020 and 2021, due to COVID-19 pandemic, steps could not be taken in time. Accordingly, the delay of 1282 days had arose and stated that the delay is neither willful nor wanton. Hence, he has filed the above petitions.

3. Mr.P.Chandrasekaran, learned counsel appearing for the respondents 2 to 5 appeared and raised his objections.

4. Considering the facts and circumstances, and being satisfied with the reasons assigned in the affidavit, all the petitions are allowed on payment of cost of Rs.2000/- payable to the contesting respondents 2 to 5



on or before 08.08.2022, failing which, the order passed in this petition shall stand automatically vacated. The proposed legal representatives of the sole appellant are impleaded as appellants 2 to 6 in the above Second Appeal.

21.07.2022

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Note : The Registry is directed to carry out the necessary amendment in the cause title and list the matter on 08.08.2022.



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