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C.M.P.Nos.13371, 13374 & 13376 of 2022
in S.A.No.482 of 2013

C.M.P.Nos. 13371, 13374 & 13376 of 2022

in
S.A. No. 482 of 2013

T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 778 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 and 3 herein as legal representatives of deceased sole appellant.

2. Mr.P.Vasanth, learned counsel for petitioners/appellants submitted that pending appeal, sole appellant died on 01.01.2020. He would submit that as the wife of deceased appellant was sick and his son doing labour work, they not are acquainted with the court proceedings. In view of the same, they have not approached their counsel in time to inform his father's death and to take further action in the above second appeal. However, due to COVID-19 pandemic, there was a delay in obtaining the death certificate and legal heir certificate, and after obtaining the same, they have approached their counsel. In the meanwhile, the delay of 778 days in setting aside the abatement arose and the delay is neither willful nor wanton. Hence, he has filed the above petitions.



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3. Considering the facts and circumstances, and also considering the fact that with regard to pathway dispute, the suit was filed and to reach finality, both the petitioners/proposed appellants are necessary parties, they are liable to be added as parties to the proceedings and being satisfied with the reasons assigned in the affidavit, in the interest of justice, all the petitions are allowed. The proposed legal representatives of the sole appellant are impleaded as appellants 2 and 3 in the above Second Appeal.

4. Registry is directed to carry out the necessary amendment in the cause title and post the matter on 05.09.2022.

12.08.2022

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13376 of 2022
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