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C.M.P. Nos.13723, 13724 & 13725 of 2022
in S.A.No.702 of 2013

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S.A. No. 702 of 2013

T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 2070 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 11th appellant, and to bring on record the proposed appellants 16 to 18 herein as legal representatives of deceased 11th appellant.

2. Mr.M.Guruprasad, learned counsel for petitioners/appellants submitted that the relief claimed in the suit for declaration and injunction, however, during the pendency of the proceedings, the 11th appellant died on 18.06.2016. He would submit that the legal heirs of deceased 11th appellant are not aware of the pendency of proceedings before this Court, hence, they did not inform the death of existing party in time. Only when the appeal was listed for final hearing during June 2022, they have come forward to apprise the details and furnished the same in the month of July 2022. In the meanwhile, the delay of 2070 days arose and the delay is neither willful nor wanton. Hence, he has filed the above petitions.



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3. Mr.N.Manokaran, learned counsel for 1st respondent appeared and submitted that he has no objection in allowing this petition.

4. Dr.S.Suriya, learned Addl. Government Pleader appearing for respondents 2 to 5 appeared.

5. 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 11th appellant are impleaded as appellants 16 to 18 in the above Second Appeal.

6. The learned counsel for appellants filed a memo stating that so far as the 6th appellant is concerned, he died on 12.09.2018 and his legal heir was already on record in the Second Appeal as 7th appellant. Memo is recorded and the Registry is to carry out the above amendment in the cause title and also directed to record the 7th appellant as legal representative of 6th appellant in this appeal.

7. Post the matter on 30.08.2022.

18.08.2022

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