



C.M.P. Nos.13363, 13366 & 13367 of 2022
in S.A.No.702 of 2013

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in
S.A. No. 702 of 2013

T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 90 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 12th appellant, and to bring on record the proposed 19th appellant herein as legal representatives of deceased 12th 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 12th appellant died on 19.11.2021. He would submit that the legal heirs of deceased 12th 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 90 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 12th appellant are impleaded as 19th appellant in the above Second Appeal.

18.08.2022

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Note :- The Registry is directed to carry out the necessary amendment in the cause title.



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