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C.M.P. Nos.13411, 13413 & 13414 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 879 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 1st respondent, and to bring on record the proposed respondents 7 and 8 herein as legal representatives of deceased 1st respondent.

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 1st respondent died on 22.09.2019. He would submit that the legal heirs of deceased 1st respondent 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 879 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 1st respondent are impleaded as respondents 7 and 8 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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