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CMP.Nos.17749, 17751 & 17752 of 2021

in

S.A.No.1487 of 2007

KRISHNAN RAMASAMY.J.,

These petitions have been filed praying (i) to condone the delay of 4234 days in filing the petition to set aside the abatement caused due to the death of the fifth respondent namely Kamalaveni in the above Second Appeal, (ii) to set aside the abatement caused due to the death of the fifth respondent namely Kamalaveni in the above second appeal, (iii) to permit the petitioner/appellant to bring on record the respondents 20 to 25 as the legal heirs of the deceased fifth respondent namely Kamalaveni and rank them as respondents 20 to 25 in the above second appeal, respectively.

2.Heard, Mr.S.Kaithamalai Kumaran, learned counsel for the petitioner/appellant and Mr.V.Rajesh, learned counsel for the respondents 1, 4, 6, 7, 9 & 11. Respondents 2, 3 & 5 had passed away.

3.This Court already ordered notice through Court as well as privately to the proposed respondents 17 to 25. Sofar as respondents 17, 19 & 20



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are concerned, they have been served with notice and their names were also printed in cause list, but despite the same, none none appeared on behalf of them. It shows that they are not interested in prosecuting these petitions. In respect of respondents 21 to 25 private notices taken were returned with postal endorsement "refused". So far as R18 is concerned, service not completed due to the reason that he has left from the given address.

4.The learned counsel for the respondents 1, 4, 6, 7, 9 & 11 has reported no objection in allowing these petitions.

5.Therefore, considering the submissions made by the learned counsel for the petitioner/appellant and considering the averments made in the affidavits filed in support of the respective petitions and also in view of the fact that the appeal is pending for more than 14 years and as no objection was reported by the learned counsel for the respondents and in the interest of justice, these petitions are allowed.

6.Registry is directed to carry out necessary amendment in the cause



title within a period of two weeks. Thereafter, Registry is also directed to issue notice to the 18th respondent in second appeal, through Court as well as privately returnable by 28.02.2023.

28.11.2022

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