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C.M.P.Nos.12233, 12237 & 12241 of 2022
in S.A.No.8 of 2019

C.M.P.Nos. 12233, 12237 & 12241 of 2022

in

S.A. No. 8 of 2019

T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 483 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 to 8 herein as legal representatives of deceased sole appellant.

2. Mr.K.Sasindran, learned counsel for petitioners/appellants submitted that pending appeal, sole appellant died on 24.10.2020. He would submit that as the deceased appellant only taking care of the above appeal, the proposed appellants are not aware about the pendency of this case and on receipt of information about listing of case during 2nd week of August 2021 from us, they were informed to file the above petitions. Thereafter, after obtaining the death certificate and legal heir certificate, they have sent the details of legal heirs. In the meanwhile, the delay of 483 days in setting aside the abatement arose. Hence, he has filed the above petitions.



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3. Mrs.R.Meenal, learned counsel for respondents 2 and 3 appeared and raised her formal objections in allowing this petition.

4. Considering the facts and circumstances, 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 to 8 in the above Second Appeal.

5. Registry is directed to carry out the necessary amendment in the cause title and post the matter on 26.08.2022.

11.08.2022

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