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C.M.P.Nos.12747, 12749 & 12750 of 2022
in S.A.No.214 of 2013

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S.A. No. 214 of 2013

T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 646 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 5th respondent, and to bring on record the proposed respondents 9 to 11 herein as legal representatives of deceased 5th respondent.

2. Ms.R.Meenal, learned counsel for petitioners/appellants submitted that pending appeal, 5th respondent died on 22.05.2020. He would submit that due to ignorance, the appellants failed to inform the death of 5th respondent to their counsel. Therefore, they could not take steps in time and after great difficulty, they have collected the particulars of his legal heirs and gave the same to the counsel on record for filing necessary petition. In the meanwhile, the delay of 646 days in setting aside the abatement arose. Hence, he has filed the above petitions.



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3. Mr.J.Antony Jesus, learned counsel for respondents 1, 3, 4 and 6 to 8 appeared and raised his 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 5th respondent are impleaded as respondents 9 to 11 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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