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C.M.P. Nos. 13462, 13463 & 13466
of 2022 in S.A.No.721 of 2013

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in

S.A. No. 721 of 2013

T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 6 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 6 herein as legal representatives of deceased sole appellant.

2. Mr.Venkataswamy Babu, learned counsel for petitioners/appellants submitted that pending appeal, sole appellant died on 15.05.2021. 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 letter communication from their counsel, they came to know about the factum of pending this appeal, and 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 6 days in setting aside the abatement arose. Hence, he has filed the above petitions.



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3. Mr.C.Jagadish, learned counsel appearing for respondent appeared and submitted that he has no objection in allowing this petition.

4. 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 sole appellant are impleaded as appellants 2 to 6 in the above Second Appeal.

16.08.2022

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Note : The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 29.08.2022.



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