



WEB COPY



C.M.P. Nos. 14316, 14320 & 14324 of 2022
in C.R.P. No. 1666 of 2003

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T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 682 days in filing the petition to implead the legal representatives of deceased 2nd respondent/2nd petitioner, to set aside the abatement caused due to the death of 2nd respondent/2nd petitioner, and to bring on record the proposed 1st petitioner herein as legal representatives of deceased 2nd respondent/2nd petitioner.

2. Mr.P.Dinesh Kumar, learned counsel for petitioners herein submitted that pending Civil Revision Petition, 2nd petitioner died on 12.05.2020. He would submit that during 2nd week of July 2022, the petitioners' earlier counsel informed them about the pending of above petitions and the same was posted for final hearing, but he is not in a position to appear on behalf of petitioners. Accordingly, they gave bundles to the present counsel on record and informed about the death of 2nd petitioner. Only on inadvertence, the petitioners failed to inform the death of 2nd petitioner to their counsel and it is not due to any willful negligence



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on their part. However, the delay of 682 days arose and the delay is neither willful nor wanton. Hence, he has filed the above petitions.

3. Mr. K.P.Gopalakrishnan, learned counsel for contesting respondents/plaintiffs appeared and raised objection stating that the reason for the delay has not been properly explained. However, pendency of the proceedings, he needs some stay order. He would also submit that the Civil Revision Petition is pending from the year of 2003, now the petitioners had filed the above petition to implead legal heir of deceased V.R.Vaiyapuri, 2nd petitioner and the impugned claim in the original suit is for recovery of possession as well as claiming arrears of rent from tenants. So, he wants to settle the issue as early as possible on merits.

4. Considering his objections as well as the reasons assigned in the application and on considering the pendency of proceedings between the parties, this Court is inclined to allow the above petitions. Accordingly, the proposed legal representatives of the 2nd petitioner is impleaded as 6th petitioner in the above Civil Revision Petition.

16.09.2022

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Note :- The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 11.10.2022.



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