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CMP.Nos.9468, 9469 & 9470 of 2022

in

SA.No.1595 of 1996

KRISHNAN RAMASAMY.J.,

These petitions have been filed praying (i) to condone the delay of 8032 days in filing the petition to set aside the abatement caused due to the death of the deceased 5th respondent namely Kandasamy Gounder in the above second appeal, (ii) to set aside the abatement caused due to the death of the deceased 5th respondent namely Kandasamy Gounder in the above second appeal (iii) to permit the petitioners/appellants to bring on record the proposed respondents 7 to 10 as legal heir of the deceased 5th respondent namely Kandasamy Gounder in the above second appeal, respectively.

2.Heard the learned counsel for the petitioners/appellants and the learned counsel for the first respondent.

3.The learned counsel for the petitioners / appellants submits that the delay is occurred purely due to the reason that the petitioners/appellants could not trace out the details of the legal heirs of the deceased respondent



namely Kandasamy Gounder and only recently, the respondents themselves have brought to the knowledge of the petitioners/appellants about the details of the legal heirs of the deceased respondent. Therefore, the learned counsel would urge this Court to allow the present applications.

4.The learned counsel for the first respondent has reported no objection in allowing these petitions.

5.Considering submissions made by the learned counsel for the petitioners/appellants and the reasons stated in the affidavits filed in support of the respective petitions and since the delay occurred due to non-tracing of the legal heirs of the deceased respondent, in the interest of justice, this Court feels it appropriate to allow these petitions.

6.Accordingly, these C.M.Ps. are allowed. Registry is directed to carry out necessary amendment in the cause title within a period of two weeks and list the matters on 04.11.2022.

28.09.2022

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