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Order dated 11.01.2022
in C.M.P.Nos.20755 to 20757 of 2021
in A.S.No.696 of 2017

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in
A.S.No.696 of 2017

T. RAJA, J
and

D. BHARATHA CHAKRAVARTHY, J

These petitions have been filed:

(i) to condone the delay of 246 days in filing the petition to set aside the abatement caused due to the death of the deceased second respondent, namely S.Ayyamperuaml, in the appeal,

(ii) to set aside the said abatement and

(iii) to bring on record the respondents 5 to 15 being the legal heirs of the deceased Shanmugam and S.Ayyamperumal respectively in the appeal.

2. The learned counsel appearing for the first respondent has no objection for allowing these petitions.

3. Even otherwise, the Apex Court also, taking suo-motu cognizance of the situation arising out of Covid-19 Pandemic and in exercise of powers conferred

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under Article 142 read with Article 141 of the Constitution of India, in a Suo Motu Writ Petition (Civil) No.3 of 2020, dated 23.03.2020, ordered that a period of limitation in all such proceedings irrespective of the limitation prescribed under the General Law or Special Laws, whether condonable or not, shall stand extended with effect from 15.03.2020 till further orders to be passed by the Honourable Apex Court. The relevant portion of the said order passed by the Honourable Apex Court is extracted below:

"This Court has taken suo motu cognizance of the situation arising out of the challenge faced by the country on account of Covid-19 Virus and resultant difficulties that may be faced by litigants across the country in filing their petitions / applications / suits / appeals / all other proceedings within the period of limitation prescribed under the general law of limitation or under special laws (both Central and/or State).

To obviate such difficulties and to ensure that lawyers/litigants do not have to come physically to file such proceedings in respective Courts/Tribunals across the country including this Court, it is hereby ordered that a period of limitation in all such proceedings, irrespective of the limitation prescribed under the general law or Special Laws whether condonable or not shall stand extended w.e.f. 15th March 2020 till



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further order/s to be passed by this Court in present proceedings."

4. As we are bound by the above order passed by the Honourable Apex Court, condoning the delay occurred during the Covid-19 Corona period, bearing in mind that the delay occurred in the present case also is during the Corona Pandemic time, we allow the condone delay petition, condoning the delay of 246 days in filing the petition to set aside the abatement caused due to the death of the deceased second respondent/Ayyamperumal, accepting the sufficient cause shown in the affidavits filed in support of these miscellaneous petitions.

5. Consequently, the other two miscellaneous petitions, namely to set aside the said abatement and to bring on record the legal heirs, stand allowed.

6. The learned counsel appearing for the impleaded respondents seeks time to file vakalat .

7. Post the appeal for final hearing after two weeks.



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8. Registry is directed to print the name of the counsel appearing for the impleaded respondents.

9. Registry is also directed to carry out necessary amendment in the cause title in the appeal and connected papers.

(T.R.J) (D.B.C.J)
11.01.2022

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