



A.No.4560 of 2022

A.Nos.4560, 4561 & 4562 of 2022

C.S.No.428 of 2016

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G. CHANDRASEKHARAN, J.

M/s.T.S.Vijayaragavan, filed vakalath for proposed respondents 2 to 4.

2.A.No.4560 of 2022 is filed to condone the delay of 848 days in filing the petition to set aside the abatement caused due to the death of the first defendant. A.No.4561 & 4562 of 2022 are filed to set aside the abatement and to bring on respondents 2 to 4 as defendants 3 to 5, respectively, in the suit.

3.The learned counsel for the proposed defendants has no objection to allow these applications. There is no representation for the first respondent. The impleadment of the legal representatives of deceased first defendant is necessary to proceed further with this case.

4.Considering the reasons stated in the affidavit and having satisfied with the reasons, this Court is of the view that the delay of 848 days in filing the petition to set aside abatement can be condoned. Consequently application to set aside the abatement and to implead legal representatives of the deceased first defendant can be allowed and accordingly all the three applications are allowed.



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5.It is represented by the learned counsel for the applicant that the proposed second defendant's name is wrongly typed as Sellammal instead Sellammai. It is only a typographical error. Therefore at the time of amending the plaint, the learned counsel for the applicant is directed to state the correct names of the proposed defendants especially the name of the proposed second defendant as S.Sellammai.

6.Post the matter after after two weeks, for carrying the amendment and filing amended plaint.

01.12.2022

ep

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