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A.Nos.4603 to 4605 of 2021

A.Nos.4603, 4604 & 4605 of 2021
in
C.S.No.559 of 2017

S.SOUNTHAR, J.

Application No.4603 of 2021 is filed to condone the delay of 42 days in filing the application and set aside the abatement caused by death of 1st and 2nd defendants in C.S.No.559 of 2017.

2. Application No.4604 of 2021 is filed to set aside the abatement caused due to the death of the 1st and 2nd defendant in C.S.No.559 of 2017.

3. Application No.4605 of 2021 is filed to bring on record the deceased 2nd defendant W.M.Jaideve legal heirs Gajalakshmi and Shashank as 7th and 8th defendants in C.S.No.559 of 2017.

4. Heard the arguments made by the learned counsel for the appellants and the respondents.

5. It is stated by the learned counsel for applicant that legal heirs of deceased 1st respondent is already on record. It is also stated by him that some of the legal heirs of deceased 2nd respondent namely D3 and D5 are already on



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record. When some of the legal heirs of deceased D1 and D2 are already on record there is no abatement of suit due to their death. Hence, the Application Nos.4603 and 4604 of 2021 are dismissed as unnecessary.

6. Having satisfied with the reasons stated in the affidavit filed in support of the application, the A.No.4605 of 2021 is ordered.

7. The counsel for plaintiff has to file necessary memo to record legal heirs of deceased first defendant, who are already on record.

05.12.2022

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