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C.M.P.Nos.888, 890 & 901 of 2022
in S.A.No.544 of 2014

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in

S.A. No. 544 of 2014

T.V. THAMILSELVI, J.

These petitions are filed seeking to condone the delay of 5119 days in setting aside the abatement, to set aside the abatement caused due to the death of 1st respondent, and to bring on record the proposed respondents 3 to 6 herein as legal representatives of deceased 1st respondent.

2. Mr. N.Manoharan, learned counsel for petitioners/appellants submitted that pending appeal, 1st respondent died on 19.07.2007. He would submit that for want of particulars and communication gap, the 3rd appellant could not take steps in time and after great difficulty, he has collected the particulars of his legal heirs and gave the same to the counsel on record for filing necessary petition. However, counsel on record Mr.R.Balasbramaniam died due to Covid-19 in the month of September 2021 and the same was not known for some time. Thereafter, on coming to know about the same, he came over to Chennai, and represented the petitions filed to bring the L.R.s on record. In the meanwhile, the delay of



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5115 days in setting aside the abatement arose. Hence, he has filed the above petitions.

3. Mr.R.Subramaniam for Mr.R.Balasubramanian, learned counsel appearing for proposed respondents 3 to 6 appeared and raised strong objection stating that there is an inordinate delay on the side of petitioners to implead his legal heirs even though they knew death of deceased 1st respondent. He further undertakes to file vakalat on behalf of proposed 1st respondents 3 to 6.

4. Considering the facts and circumstances, and considering the fact that since the suit was filed seeking for declaration and permanent injunction, it is necessary to implead legal heirs of 1st respondent to adjudicate the issue between the parties, and being satisfied with the reasons assigned in the affidavit, in the interest of justice, all the petitions are allowed on condition that the petitioners/appellants shall pay cost of Rs.5000/- payable to the contesting respondents' counsel within a period of one week from the date of receipt of copy of this order. The proposed legal representatives of the 1st respondent are impleaded as respondents 3 to 6 in the above Second Appeal.



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5. Registry is directed to print the name of Mr.R.Subramaniam for Mr.R.Balasubramanian, learned counsel for respondents 3 to 6 in the cause list and carry out the necessary amendment in the cause title.

6. Post the matter on 23.08.2022.

04.08.2022

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