



C.M.P. Nos.23013, 23016 & 23017 of 2019
in S.A. No.46 of 2017

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S.S.SUNDAR, J.,

These petitions are filed to condone the delay of 131 days in filing the petition to set aside the abatement caused due to the death of the first respondent in the above appeal, to set aside the abatement caused due to the death of the respondent in the above appeal and to bring on record the proposed respondents 6 to 9 who are the legal representatives of the deceased first respondent in the above appeals.

2. Heard learned counsel appearing for the petitioner and Mr. S.Janani, learned counsel appearing for respondents 1 to 5.

3. It is seen that notice was served only on sixth respondent. With regard to other respondents, notice sent was returned with an endorsement “Addressee could not be located”. The learned counsel for the first respondent though filed a memo giving particulars about the legal representatives of deceased, states that she has no instruction about the legal representatives of deceased first respondent.



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4. Having regard to the memo filed by the learned counsel for the first respondent, the relationship between the respondents cannot be disputed. Since the delay is very nominal and these petitions have been filed immediately after the memo regarding the death of first respondent is served, this Court is inclined to allow all these petitions. Accordingly, these petitions are ordered. It is open to the learned counsel who filed vakalat for the first respondent earlier to get instruction and file vakalat for respondents 6 to 9. In case no vakalat is filed, Registry is directed to issue notice to respondents 6 to 9 in the appeal returnable in four weeks.

16.03.2022

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