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A.Nos.5374 to 5377 of 2010
in C.S.No.743 of 1998
and T.O.S.No.25 of 1997

R.N.MANJULA,J.

The applicants / plaintiffs have filed the applications in C.S.No.743 of 1998 for the following reliefs:

S.No.	Application No.	Relief sought for
1	A.No.5374 of 2010	To condone the delay of 10 days in filing the application to set aside the abatement.
2.	A.No.5375 of 2010	To set aside the abatement caused due to the death of the 16th defendant in C.S.No.743 of 1998.
3.	A.No.5376 of 2010	To bring on record the proposed respondents 18 to 20 who are the legal representatives of the deceased 16th defendant as defendants 18 to 20 in C.S.No.743 of 1998.
4.	A.No.5377 of 2010	To appoint the proposed respondent no.18 viz., Jamuna as guiardian to the proposed minor respondents 19 and 20.

2. The learned counsel for the applicants/plaintiffs submitted that except the 2nd respondent / 2nd defendant, none of the defendants are contesting the suit. However, in view of the death of the 16th defendant, steps have been taken to implead his legal heirs.

3. Notice served against the proposed respondents 18 to 20, has been returned as unclaimed. Since the 16th defendant was set exparte in the suit and

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notice sent to the proposed respondents returned as unclaimed, I feel the applications can be allowed.

4. In view of the same and also to ensure some progress in the suit, which has been filed in the year 1998 and in the interest of justice, these applications are allowed. The delay of 10 days in filing the application to set aside abatement is condoned and the abatement caused due to the death of the 16th defendant is set aside and the proposed respondents 18 to 20 are ordered to be impleaded as the defendants 18 to 20 in the suit and the 18th defendant is ordered to be appointed as guardian to the minor defendants 19 and 20.

5. In the event of issuing summons to the proposed parties, it is always open to the proposed parties seek time for filing written statement.

6. The applicants / plaintiffs are directed to carry out the necessary amendment in the cause title of the plaint and file an amended copy of the same within a period of one week.

7. List the matters on 21.03.2023.

14.03.2023

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