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C.M.P. Nos.3206, 3208 & 3210 of 2022
in S.A.No.132 of 2017

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in
S.A. No. 132 of 2017

T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 594 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of sole appellant, and to bring on record the proposed appellants 2 to 5 herein as legal representatives of deceased sole appellant.

2. Mr.M.Manimaran, learned counsel for petitioners/appellants submitted that during the pendency of the proceedings, sole appellant died on 23.12.2019. He would submit that since the entire case bundle was with 1st petitioner husband's erstwhile counsel and also due to unaware of proceedings pending before this court, the 1st petitioner is unable to contact her counsel on record and she could not inform about the death of sole appellant and to furnish details of his legal heirs at the earliest point of time. Hence, the petitions were not filed in time. In view of the same there is a delay of 594 days arose and the delay is neither willful nor negligent. Accordingly, he has filed the above petitions.



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3. Considering the facts and circumstances and being satisfied with the reasons assigned in the affidavit, all the petitions are allowed. The proposed legal representatives of the sole appellant are impleaded as appellants 2 to 5 in the above Second Appeal.

4. The Registry is directed to carry out the necessary amendment in the cause title.

11.09.2023

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