



C.M.P. Nos. 4512,4514 & 4515 of 2023  
in A.S.No.389 of 2017

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**in**  
**A.S.No.389 of 2017**

**T.V. THAMILSELVI, J.**

These petitions have been filed seeking to condone the delay of 185 days in filing the petition to implead the legal representatives of deceased 2<sup>nd</sup> respondent, to set aside the abatement caused due to the death of 2<sup>nd</sup> respondent, and to bring the legal representatives of deceased 2<sup>nd</sup> respondent Venugopal viz., respondents 16 to 18 herein on record in the above appeal.

2. Mr.C.Prabakaran, learned counsel for petitioner herein submitted that pending Appeal, 2<sup>nd</sup> respondent died on 26.03.2020 during Covid lock down, however, as per the order of Supreme Court in Suo Motu Writ Petition, the limitation period was waived till 28<sup>th</sup> February 2022. He would further submit that only during family function, the petitioner came to know about the death of 2<sup>nd</sup> respondent and thereafter, he has taken steps to obtain his death certificate, but it is not available and after gathering particulars of his legal heirs, he filed the present petitions. However, there is delay of 185 days arose in filing the above petitions and the delay is neither willful nor wanton. Hence, he has filed the above petitions.



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3. Considering the facts and circumstances as well as the reasons assigned in the above petitions seems to be justifiable one, this Court is inclined to allow the above petitions. Accordingly, the proposed legal representatives of the 2<sup>nd</sup> respondent is impleaded as respondents 16 to 18 in the above appeal.

**18.04.2023**

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Note :- The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 07.06.2023.



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