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C.M.P. Nos.17092, 17103 & 17133 of 2023
in S.A.No.132 of 2017

C.M.P.Nos.17092, 17103 & 17133 of 2023

in
S.A. No. 132 of 2017

T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 1179 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 2nd respondent, and to bring on record the proposed respondents 4 to 6 herein as legal representatives of deceased 2nd respondent.

2. Mr.M.Manimaran, learned counsel for petitioners/appellants submitted that during the pendency of the proceedings, the 2nd respondent died on 26.06.2019. He would submit that 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 2nd respondent and to furnish details of her 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 1179 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 2nd respondent are impleaded as respondents 4 to 6 in the above Second Appeal.

4. Issue notice to newly added respondents 4 to 6 through court returnable by 19.10.2023. Private notice is also permitted.

5. The learned counsel for appellants is directed to pay batta for newly added respondents within 3 days.

6. The Registry is directed to carry out the necessary amendment in the cause title and list the matter on 19.10.2023.

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