

**C.M.P.Nos. 12166, 12168 & 12167 of 2023****in
A.S.No.30 of 2019****T.V. THAMILSELVI, J.**

These petitions are filed seeking to condone the delay of 58 days in setting aside the abatement, to set aside the abatement caused due to the death of 7th respondent, and to bring on record the proposed respondents 13 and 14 herein as legal representatives of deceased 7th respondent.

2. Mr.S.Sridhar, learned counsel for petitioner/appellant submitted that pending appeal, 7th respondent died on 27.07.2022. He would also submit that he was not aware of death of 7th respondent and only recently he came to know about his death and thereafter, he obtained particulars of his legal heirs. So, the petition was not filed in time. In view of the same, there is a delay of 58 days arose and the delay is neither willful nor negligent. Hence, he has filed the above petitions.

3. Mr.M.Khader Basha, learned counsel for respondents 1, 2 and 5, Mr.K.V.Ananthakrishnan, learned counsel for 8th respondent and Mr.T.Sampath Kumar, learned Government Advocate for 9th respondent appeared. The learned counsel for 8th respondent submitted his counter objections stating that he purchased the property from the deceased 7th



respondent and so, his legal heirs, as on date, have right over the property.

Hence, he has raised strong objection in allowing the above petitions.

4. Heard both sides.

5. On considering the fact that this appeal is pending from the year of 2019, the 8th respondent purchased the property from the deceased 7th respondent and with regard to other allegations in the counter objections are subject to arguments in the main appeal. Accordingly, on considering the reasons assigned in the affidavit seems to be justifiable one, this Court is inclined to allow these petitions. The proposed legal representatives of the 7th respondent are impleaded as respondents 13 and 14 in the above Appeal.

6. Issue notice to the newly added respondents 13 and 14 through court returnable by 21.09.2023. Private notice is also permitted.

7. The learned counsel for appellant is directed to pay batta within three days as well as serve amended copy of appeal to the proposed legal heirs.

8. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 21.09.2023.

11.09.2023

rpp



WEB COPY



3

T.V.THAMILSELVI, J.

rpp

C.M.P.Nos. 12166, 12168 & 12167 of 2023

in
A.S.No.30 of 2019

11.09.2023

(1/2)