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C.M.P.Nos.5723, 5724 & 5725 of 2023  
in A.S.No. 652 of 2016

**C.M.P.Nos. 5723, 5724 & 5725 of 2023**

**in**

**A.S. No. 652 of 2016**

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

These petitions have been filed seeking to condone the delay of 158 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 4<sup>th</sup> respondent, and to bring on record the proposed respondents 10 to 12 herein as legal representatives of deceased 4<sup>th</sup> respondent.

2. Mr.G.Jeremiah, learned counsel for petitioners/appellants submitted that pending appeal, 4<sup>th</sup> respondent died on 25.04.2022 leaving behind his wife and the petitioners and 1<sup>st</sup> appellant Loganayagi, mother of other appellants died on 04.08.2022. In the meanwhile, 6<sup>th</sup> respondent died on 03.12.2022 leaving behind no issues and her husband predeceased her. The appellants 2 to 5 are already on record as legal heirs of deceased 1<sup>st</sup> appellant and the 6<sup>th</sup> respondent died issueless and now the legal heirs of 4<sup>th</sup> respondents may be brought on record. He would submit that the death of 4<sup>th</sup> respondent was not informed to the appellants' counsel in time. So, there was a delay of 158 days in filing the petition to set aside the abatement arose and the delay is neither willful nor wanton. Hence, he has filed the



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above petitions.

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3.Mr.S.Umapathy, learned counsel for respondents 1, 3 and 5 as well as Mr.E.S.Venkatesan, learned counsel for respondents 8 and 9 appeared and submitted that they have no objection in allowing the above petitions.

4. Considering the facts and circumstances, and also being satisfied with the reasons assigned in the affidavit, in the interest of justice, all the petitions are allowed. The proposed legal representatives of the 4<sup>th</sup> respondent are impleaded as respondents 10 to 12 in the above Second Appeal.

5. Registry is directed to carry out the necessary amendment in the cause title and post the matter on 18.07.2023 for arguments.

**05.07.2023**

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