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C.M.P.Nos.6042, 6043, 6045 of 2023
and
C.M.P.Nos.6053, 6056 & 6058 of 2023
in
M.P.No.1 of 2015
in
S.A.No.959 of 2009

V.LAKSHMINARAYANAN.J.,

Mr.P.Sivamani, learned counsel represented that he has entered appearance on behalf of the respondents in these petitions and filed Vakalat, vide SR 1197/2023 in the Registry. He vehemently opposes the applications to (i) condone the delay in setting aside the abatement caused due to the death of the deceased 1st respondent Selvam; (ii) set aside the abatement; and (ii) bring on record the respondents 1 to 3, who are the legal representatives of the deceased Selvam on record as respondents 1 to 3 in C.M.P.No.1 of 2015 and also opposes the application to (i) condone the delay in setting aside the abatement caused due to the death of Shanthi, originally the 2nd appellant; (ii) set aside the abatement and (iii) bring on record the the respondents 4 & 5, who are the legal representatives of the deceased Shanthi on record as respondents 4 &5 in CM.P.No.1 of 2015.

V.LAKSHMINARAYANAN.J.,



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2. Being suit for partition and as the parties are contesting the final decree proceedings before the trial court, I am inclined to allow these applications. Accordingly, these applications are allowed and the delay is condoned, abatement caused due to the death of Selvam and Shanthi are set aside and the respondents 1 to 3 are brought on record as the legal representative of the 1st respondent and the respondents 4 & 5 are impleaded as the legal representative of the deceased 2nd appellant in the second appeal.

30..03..2023

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Note: The Registry is directed to carryout amendment and post the Second Appeal along with the other applications on 05.04.2023.

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