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C.M.P.Nos. 8530, 8538 & 8537 of 2022

in

S.A. No. 245 of 2006

T.V. THAMILSELVI, J.

These petitions are filed seeking to condone the delay of 1015 days in setting aside the abatement, to set aside the abatement caused due to the death of 2nd respondent, and to bring on record the proposed respondents 26 to 30 herein as legal representatives of deceased 2nd respondent.

2. Mr.P.Dinesh Kumar, learned counsel for petitioner/appellant submitted that pending appeal, 2nd respondent died on 30.01.2019. He would also submit that due to lack of communication, the death of parties was not informed to them and furthermore, the petitioner unable to get details of his legal heirs and also due to illness, the petition to implead his legal heirs was not filed in time. In view of the same, there is a delay of 1015 days arose and the delay is neither willful nor negligent. Hence, he has filed the above petitions.

3. The learned counsel appearing for 3rd respondent appeared and raised objections in allowing this petition.



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4. Heard both sides.

5. Considering the facts and circumstances and on considering the reasons assigned in the affidavit seems to be justifiable one, all the petitions are allowed. The proposed legal representatives of the 2nd respondent are impleaded as respondents 26 to 30 in the above Second Appeal.

13.07.2023

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Note : The Registry is directed to carry out the necessary amendment in the cause title and list the matter on 09.08.2023.



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T.V.THAMILSELVI, J.

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