

**C.M.P.Nos. 19507, 19508 & 19509 of 2019****in****S.A. No. 533 of 2004****T.V. THAMILSELVI, J.**

These petitions are filed seeking to condone the delay of 7 days in setting aside the abatement, to set aside the abatement caused due to the death of 1st respondent, and to bring on record the proposed 3rd respondent herein as legal representatives of deceased 1st respondent.

2. Mr.R.Asokan, learned counsel for petitioner/appellant submitted that pending appeal, 1st respondent died on 23.10.2018. He would also submit that he was not aware of death of 1st respondent and only during 2nd week of March, 2019, he came to know about his death and thereafter, he obtained particulars of his legal heirs. Furthermore, the counsel for 1st respondent also not filed any memo before this court about his death. So, the petition was not filed in time. In view of the same, there is a delay of 7 days arose and the delay is neither willful nor negligent. Hence, he has filed the above petitions.



3. Mr.B.Soundarapandian, learned counsel for 1st respondent appeared and submitted that he has no objection in allowing the above petitions.

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 representative of the 1st respondent is impleaded as 3rd respondent in the above Second Appeal.

6. Issue notice to the proposed 3rd respondent through court returnable by 19.10.2023. Private notice also permitted.

7. The learned counsel for appellant is directed to pay batta within three days.

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

05.09.2023

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