



WEB COPY



C.M.P.Nos. 11660, 11662 & 11666 of 2022

in

S.A. No. 1352 of 1997

T.V. THAMILSELVI, J.

These petitions are filed seeking to condone the delay of 338 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 8 to 10 herein as legal representatives of deceased 2nd respondent.

2. Ms.G.Sumitra, learned counsel for 3rd petitioner/appellant submitted that pending appeal, 2nd respondent died on 18.12.2020. He would also submit that due to lack of communication, the death of 2nd respondent was not informed to them and furthermore, the petitioner unable to get details of his legal heirs and he was also given to understand that the appeal was abated, since no petition was filed to bring on record the legal representatives of deceased 2nd respondent within 90 days from the date of his death in the above S.A. In view of the same, there is a delay of 338 days arose and the delay is neither willful nor negligent. Hence, he has filed the above petitions.



WEB COPY

3. Mr.V.S.Senthil Kumar, learned counsel takes notice on behalf of proposed respondents 8 to 10.

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 8 to 10 in the above Second Appeal.

13.07.2023

rpp

Note : The Registry is directed to carry out the necessary amendment in the cause title and list the matter on 04.08.2023.



WEB COPY



3

T.V.THAMILSELVI, J.

rpp

C.M.P.Nos. 11660, 11662 & 11666 of 2022

in

S.A. No. 1352 of 1997

13.07.2023