



C.M.P. Nos.9203, 9201 & 9199 of 2023
in S.A.No.339 of 2019

C.M.P.Nos.9203, 9201 & 9199 of 2023

in
S.A. No. 339 of 2019

T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 4374 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 1st respondent, and to bring on record the proposed 9th respondent herein as legal representatives of deceased 1st respondent.

2. Mr.T.Dhanasekaran, learned counsel for petitioners/respondents 3 and 4 submitted that pending appeal, 1st respondent died on 13.11.2010 leaving behind her legal representatives viz., (1) Ponnammal, (2) K.Veluchamy and (3) Tmt.Ponnammal. Out of them, Ponnammal was already on record as 3rd respondent in the above Second Appeal and the 2nd person viz., K.Veluchamy died as bachelor on 13.08.2014. Now, the 3rd person iz., K.Rajamani is to be brought on record as her legal heir. He would further submit that due to ignorance, the 2nd petitioner failed to inform the death of 1st respondent and it is not due to any willful negligence on his part. However, the delay of 4374 days arose and the delay is neither willful nor wanton. Hence, he has filed the above petitions.



C.M.P. Nos.9203, 9201 & 9199 of 2023
in S.A.No.339 of 2019

WEB COPY

3. Mr.S.Sithirai Anandan, learned counsel for respondents/appellants appeared and raised formal objection in allowing this petition.

4. Considering the facts and circumstances, and being satisfied with the reasons assigned in the affidavit, all the petitions are allowed. The proposed legal representatives of the 1st respondent viz., Tmt. Ponnammal, who was already on record as 3rd respondent in the above appeal and the proposed 8th respondent is impleaded as 9th respondent in the above Second Appeal.

5. Issue notice to newly added 9th respondent through court returnable by 04.09.2023. Private notice is also permitted.

6. The learned counsel for appellant is directed to pay batta within 3 days.

7. Registry is directed to carry out necessary amendment in the cause title and post the matter on 04.09.2023.

09.08.2023

rpp



WEB COPY



C.M.P. Nos.9203, 9201 & 9199 of 2023
in S.A.No.339 of 2019

T.V.THAMILSELVI, J.

rpp

C.M.P.Nos. 9203, 9201 &
9199 of 2023
in
S.A. No. 339 of 2019

09.08.2023