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C.M.P. No.8997, 8999 & 9000 of 2023
in S.A.No. 1616 of 2008

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S.A. No. 1616 of 2008

T.V. THAMILSELVI, J.

These petitions are filed seeking to condone the delay of 188 days in setting aside the abatement, to set aside the abatement caused due to the death of sole appellant, and to permit the petitioners to be come on record as the proposed appellants 2 to 5 herein as legal representatives of deceased sole appellant.

2. Mr. N.Manoharan, learned counsel for petitioners/appellants submitted that pending appeal, sole appellant died on 26.01.2022. He would also submit that during my father's life time, negotiation took place for settlement of dispute between parties, but it was not arrived and also due to the delay in obtaining the particulars of his legal heirs, the petitions were not filed in time. In view of the same there is a delay of 188 days arose and the delay is neither willful nor negligent. Accordingly, he has filed the above petitions.



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3. Mr.S.Mayilnathan, learned counsel appearing for the 1st respondent and Mr.D.Sivakumaran, learned counsel for 3rd respondent appeared and raised their formal objections in allowing these petitions.

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 sole appellant are impleaded as appellants 2 to 5 in the above Second Appeal.

5. The Registry is directed to carry out the necessary amendment in the cause title and list the matter on 05.10.2023.

24.08.2023

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