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C.M.P.Nos. 9288, 9290 & 9294 of 2023

in

S.A. No. 33 of 2009

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 bring on record the proposed appellants 2 to 5 herein as legal representatives of deceased sole appellant.

2. Mr. A.Sivaji, learned counsel for petitioners/appellants submitted that pending appeal, sole appellant died on 26.01.2022. He would submit that during the life time of his father, the petitioners have tried to settle the matter, however, he passed away. After his demise, they came to know about the pendency of the case and thereafter, they gave the details of his legal heirs. Hence, 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. Hence, he has filed the above petitions.

3. Mr.P.Jagadeesan, learned counsel for respondents 1 and 2, Mr.T.Dhanyakumar, learned counsel for 3rd respondent, Mr.K.Rajasekaran, learned counsel for respondents 22 and 23 and Mr.D.Shivakumaran,



learned counsel for 20th respondent appeared and raised formal objections 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 representatives of the sole appellant are impleaded as appellants 2 to 5 in the above Second Appeal.

6. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 26.09.2023.

11.08.2023

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