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**C.M.P.Nos.8878 of 2022 & 364, 371 & 372 of 2023**

**in**

**S.A.No.1764 of 2001**

**P.T.ASHA, J.,**

Since the 3<sup>rd</sup> respondent has not been served at his last known address despite attempts made by the appellant, this Court had directed substituted service by paper publication in one issue of Malai Malar for the hearing date 15.12.2022. The publication has also been effected on 19.11.2022. However, since in the interregnum the papers relating to bringing on record the legal representatives have been misplaced the learned counsel had to take steps for getting orders for re-constructing the same. By order dated 16.12.2022, the same has been allowed and the matter was directed to be listed today.

2. Since the 3<sup>rd</sup> respondent has been served by way of a substituted service, the petition for restoring the appeal is ordered as



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prayed for and the appeal is restored to file.

3. Consequently, the petitions filed to condone the delay of 834 days in filing the petition to set aside the abatement caused due to the death of the appellant; to set aside the abatement caused due to the death of the appellant and to bring on record the petitioners 1 to 6 in C.M.P.No.372 of 2023 as legal representatives of the deceased appellant and implead them as appellants 2 to 7 in S.A.No.1764 of 2001 are ordered.

4. The Registry is directed to carry out necessary amendment and post the matter on 01.02.2023 for final hearing.

**12.01.2023**

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**C.M.P.No.8878 of 2022**

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**S.A.No.1764 of 2001**

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