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C.M.P.Nos.11135, 11137 & 11139 of 2023
in S.A.No.579 of 2010

C.M.P.Nos. 11135, 11137 & 11139 of 2023

in
S.A. No. 579 of 2010

T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 272 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 2nd appellant, and to bring on record the proposed 4th respondent herein as legal representatives of deceased 2nd appellant.

2. Mr.A.Muthukumar, learned counsel for petitioners/appellants submitted that pending appeal, 2nd appellant died on 18.10.2021. He would submit that as the wife of deceased predeceased him, his only legal representative is his daughter Parameswari. He would also submit that since her whereabouts not known to the 6th petitioner, she could not furnish the particulars of proposed 4th respondent and only after hectic efforts, she was able to found out her particulars. In view of the same, there was a delay of 408 days in filing the petition to set aside the abatement arose and the delay is neither willful nor wanton. Hence, he has filed the above petitions.



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3. Considering the facts and circumstances, and also being satisfied with the reasons assigned in the affidavit, in the interest of justice, all the petitions are allowed. The proposed legal representatives of the 2nd appellant is impleaded as 4th respondent in the above Second Appeal.

4. Registry is directed to carry out the necessary amendment in the cause title and post the matter on 10.07.2023.

03.07.2023

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