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**C.M.P.Nos. 10040, 10044 & 10042 of 2022**

**in**  
**A.S. No. 712 of 2012**

**T.V. THAMILSELVI, J.**

These petitions are filed seeking to condone the delay of 2518 days in setting aside the abatement, to set aside the abatement caused due to the death of 2<sup>nd</sup> respondent and to bring on record the proposed 11<sup>th</sup> respondent herein as legal representatives of deceased 2<sup>nd</sup> respondent.

2. Mr.R.Gururaj, learned counsel for petitioner/appellant submitted that pending appeal, 2<sup>nd</sup> respondent died on 30.03.2015 and his wife/proposed 11<sup>th</sup> respondent is the only legal heir and they have no issues. He would also submit that due to lack of communication and due to unaware of proceedings, the death of 2<sup>nd</sup> respondent was not informed to him and furthermore, the petitioner unable to get details of his legal heirs, the petition to implead his legal heirs was not filed in time. In view of the same, there is a delay of 2518 days arose and the delay is neither willful nor negligent. Hence, he has filed the above petitions.



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3. Mr.P.Dineshkumar, learned counsel appearing for respondents 1, 3 to 6 appeared and raised 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, both the petitions are allowed. The proposed legal representative of the 2<sup>nd</sup> respondent is impleaded as 11<sup>th</sup> respondent in the above Second Appeal.

6. Issue fresh notice to unserved respondents through court returnable by 22.08.2023. Private Notice is also permitted.

7. The Registry is directed to carry out the necessary amendment in the cause title.

**17.07.2023**

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**(1/3)**