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C.M.P.Nos. 10937, 10936 & 10930 of 2022

in

A.S. No. 713 of 2012

T.V. THAMILSELVI, J.

These petitions are filed seeking to condone the delay of 2489 days in setting aside the abatement, to set aside the abatement caused due to the death of 3rd respondent and to bring on record the proposed 8th respondent herein as legal representatives of deceased 3rd respondent..

2. Mr.R.Gururaj, learned counsel for petitioner/appellant submitted that pending appeal, 3rd respondent died on 30.03.2015. He would also submit that due to lack of communication and due to unaware of proceedings, the death of parties was not informed to them 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 2489 days arose and the delay is neither willful nor negligent. Hence, he has filed the above petitions.

3. Mr.P.Dineshkumar, learned counsel appearing for respondents 2, 4

to 7 appeared and raised objections in allowing the above petitions.



4. Heard both sides.

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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 3rd respondent is impleaded as 8th 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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