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C.M.P.Nos.22373, 22374 & 22377 of 2023
in S.A.No.1041 of 2010

C.M.P.Nos. 22373, 22374 & 22377 of 2023

in

S.A. No. 1041 of 2010

T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 2432 days in filing the petition to set 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.C.Ravichandran, learned counsel for petitioners/appellants submitted that pending appeal, sole appellant died on 03.11.2013 leaving behind his wife and the petitioners and subsequently, sole appellant's wife died on 12.08.2018. He would submit that as the petitioners did not know about pendency and abatement of Second Appeal, they are unable to file the above petitions in time. In view of the same, there was a delay of 2432 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.

3.Mr.S.Ramesh, learned counsel for respondents appeared and submitted that he has no objection in allowing the above petitions.



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4. 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 sole appellant are impleaded as appellants 2 to 5 in the above Second Appeal.

5. Registry is directed to carry out the necessary amendment in the cause title and post the matter on 17.07.2023.

05.07.2023

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