



C.M.P.Nos. 13458, 13460 & 13477 of 2023

in
S.A. No. 1042 of 2009

T.V. THAMILSELVI, J.

These petitions are filed seeking to condone the delay of 1674 days in setting aside the abatement, to set aside the abatement caused due to the death of sole respondent, and to bring on record the proposed respondents 2 to 5 herein as legal representatives of deceased sole respondent.

2. Mr.T.Danyakumar, learned counsel for petitioners/appellants submitted that pending appeal, sole respondent died on 21.06.2018. He would also submit that due to unaware of proceedings as well as due to lack of communication, the 2nd petitioner could not able to contact his counsel, due to which, he unable to give instructions to implead legal heirs of deceased sole respondent. In view of the same, there is a delay of 1674 days arose and the delay is neither willful nor negligent. Hence, he has filed the above petitions.

3. Mr.J.Sathiaraj, learned counsel for respondent appeared and he takes notice on behalf of respondents 2 to 5.

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, all the petitions are allowed. The proposed legal representatives of the sole respondent are impleaded as respondents 2 to 5 in the above Second Appeal.

6. The learned counsel for appellants is directed to serve typed set of papers on the learned counsel for respondents.

7. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 18.08.2023.

26.07.2023

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