



WEB COPY



C.M.P.Nos.13486, 13489 & 13485 of 2023
in S.A.No.731 of 2019

C.M.P.Nos. 13486, 13489 & 13485 of 2023

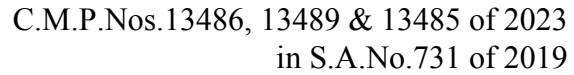
in

S.A. No. 731 of 2019

T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 5925 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 4th respondent, and to bring on record the proposed 7th and 8th respondents herein as legal representatives of deceased 4th respondent.

2. Mr.P.Kannan, learned counsel for proposed petitioners submitted that pending appeal, 4th respondent died on 29.11.2006 and his legal representatives his wife and son are necessary parties to be impleaded in the above appeal. However, due to lack of communication and on account of ignorance and law and legal procedures, they could not take steps to bring them on record in time. In view of the same, there was a delay of 5925 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. However, Mr.R.Krishnasamy, learned counsel for appellant raised objection to allow the applications filed by the proposed petitioners to implead them as necessary parties.



4. On perusal of records, the fact reveals that though there is a delay in filing the above petitions, the reasons assigned in the affidavit seems to be justifiable one, however the formal objections raised by the learned counsel for appellant was heard, and they ought to have taken steps to implead them, but he failed. Instead of that, the proposed petitioners have filed the above petitions. Considering the facts and circumstances, this Court is inclined to allow all the petitions. The proposed legal representatives of the 4th respondent are impleaded as respondents 7 and 8 in the above Second Appeal.

5. Registry is directed to carry out the necessary amendment in the cause title and post the matter on 21.07.2023.

10.07.2023

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