

**C.M.P.Nos. 19010, 19012 & 19014 of 2023****in
S.A. No. 658 of 2014****T.V. THAMILSELVI, J.**

These petitions are filed seeking to condone the delay of 93 days in setting aside the abatement, to set aside the abatement caused due to the death of 1st appellant, and to bring on record the proposed respondents 4 and 5 herein as legal representatives of deceased 1st appellant.

2. Ms. R.Meenal, learned counsel for petitioners/appellants submitted that pending appeal, 1st appellant died on 10.10.2022. He would also submit that due to unaware of the death of 1st appellant and also due to unaware of the proceedings as well as details of his legal heirs, they could not file the petition in time. In view of the same, there is a delay of 93 days arose and the delay is neither willful nor negligent. Hence, he has filed the above petitions.

3. Mr.R.Syed Mustafa, learned counsel for respondents 2 and 3 appeared and submitted that he has no objection to allow these 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, all the petitions are allowed. The proposed legal representatives of the 1st appellant are impleaded as respondents 4 and 5 in the above Second Appeal.

6. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 19.10.2023.

22.09.2023

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3

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