

**C.M.P.Nos. 13124, 13127 & 13128 of 2023****in****S.A. No. 980 of 2010****T.V. THAMILSELVI, J.**

These petitions are filed seeking to condone the delay of 229 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.P.Jagadeesan, learned counsel for petitioner/appellant submitted that pending appeal, sole respondent died on 06.11.2021 during Covid-19 pandemic lock down period. He would also submit that due to 1st petitioner's ill-health of suffering from cancer, he undergone major surgeries, he was totally immobilised and also he is not able get the particulars of his legal heirs. Hence, he could not 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 229 days arose and the delay is neither willful nor negligent. Hence, he has filed the above petitions.



3. Mr.T.Karunakaran, learned counsel for respondent appeared.

4. Heard both sides.

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. Issue notice to the proposed respondents 2 to 5 through court returnable by 21.08.2023. Private notice is also permitted.

7. The learned counsel for appellants is directed to pay batta within 3 days.

8. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 21.08.2023.

24.07.2023

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