



WEB COPY



C.M.P.Nos.14037, 14043 & 14040 of 2023
in A.S.No.348 of 2017

C.M.P.Nos. 14037, 14043 & 14040 of 2023

in

A.S.No. 348 of 2017

T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 154 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 1st respondent, and to bring on record the proposed 3rd respondent herein as legal representatives of deceased 1st respondent.

2. Mr.Sai Srujan Tayi, learned counsel for petitioners/appellants submitted that pending appeal, 1st respondent died on 02.09.2022 leaving behind his wife and two sons as his legal heirs. He would submit that since the 1st respondent met with an accident and died due to unnatural death, there were several legal formalities and associated issues involved with it. In the meanwhile, the 1st appellant had some health issues, due to which, this petition was not filed in time. So, there was a delay of 154 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. There is no representation on the side of 2nd respondent despite the name of 2nd respondent printed in the cause list.



C.M.P.Nos.14037, 14043 & 14040 of 2023
in A.S.No.348 of 2017

WEB COPY

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 1st respondent is impleaded as 3rd respondent in the above Appeal.

5. Issue notice to the proposed 3rd respondent through court returnable by 03.08.2023. Private notice is also permitted.

6. The learned counsel for petitioners is directed to pay batta in 3 days.

7. Registry is directed to carry out the necessary amendment in the cause title and post the matter on 03.08.2023 for arguments.

05.07.2023

rpp



WEB COPY



C.M.P.Nos.14037, 14043 & 14040 of 2023
in A.S.No.348 of 2017

T.V.THAMILSELVI, J.

rpp

C.M.P.Nos. 14037, 14043 & 14040
of 2023
in
A.S.No. 348 of 2017

05.07.2023