



C.M.P.Nos. 16955, 16970 & 16962 of 2023

in

S.A. No. 948 of 2011

T.V. THAMILSELVI, J.

These petitions are filed seeking to condone the delay of 348 days in setting aside the abatement, to set aside the abatement and to bring on record the proposed respondents 3 to 6 herein as legal representatives of deceased 1st respondent in the above Second Appeal.

2. Mrs.R.Meenal, learned counsel for petitioners/appellants submitted that pending appeal, 1st respondent died on 21.01.2022. He would submit that due to unaware of legal proceedings and also due to lack of communication, the information about his death and his particulars could not be furnished to the counsel on record, so the petition was not filed in time. Hence, there is a delay of 348 days occurred and the delay is neither willful nor wanton. Hence, he prayed to allow the above petitions.

3. Considering the facts and circumstances, and being satisfied with the reasons assigned in the affidavit, all the petitions are allowed. The proposed legal representatives of the 1st respondent are impleaded as respondents 3 to 6 in the above Second Appeal.



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4. Issue notice to the proposed respondents 3 to 6 through court returnable by 15.09.2023. Private notice is also permitted.

5. Registry is directed to carry out necessary amendment in the cause title and post the matter on 15.09.2023.

11.08.2023

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