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C.M.P.Nos. 12034, 12033 & 12194 of 2021

in

A.S. No. 849 of 2018

T.V. THAMILSELVI, J.

These petitions are filed seeking to condone the delay of 2571 days in setting aside the abatement, to set aside the abatement and to bring on record the proposed respondents 7 to 9 herein as legal representatives of deceased 6th respondent in the above Appeal.

2. Mrs.V.Srimathi, learned counsel for petitioner/appellant submitted that pending appeal, 6th respondent died on 03.10.2012. He would submit that he died before the institution of appeal early as in the year of 2012, but the petitioner came to know about the factum of death of 6th respondent only recently and got the details of his legal heirs. So, due to lack of communication, the petition was not filed in time. Hence, there is a delay of 2571 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 6th respondent are impleaded as respondents 7 to 9 in the above Appeal.



4. Issue notice to the proposed respondents 7 to 9 and also issue fresh notice to respondents 2 and 3 through court returnable by 30.08.2023.

Private notice is also permitted.

5. Registry is directed to carry out necessary amendment in the cause title and post the matter on 30.08.2023.

31.07.2023

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3

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