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C.M.P.Nos. 12260, 12265 & 12258 of 2021

in
S.A. No. 537 of 2014

T.V. THAMILSELVI, J.

These petitions are filed seeking to condone the delay of 1472 days in setting aside the abatement, to set aside the abatement caused due to the death of 4th Appellant, and to bring on record the proposed appellants 14 and 15 herein as legal representatives of deceased 4th appellant.

2. Mr. T.Dhanasekaran, learned counsel for petitioners/appellants submitted that pending appeal, 4th appellant died on 05.12.2015. He would also submit that due to lack of communication, the death of parties was not informed to them at the earliest point of time. In view of the same there is a delay of 1472 days arose and the delay is neither willful nor negligent. He would also submit that since the case is pending from the year of 2001 for more than 23 years, he prayed for speedy disposal of this appeal. Hence, he has filed the above petitions.

3. Mr.P.Sidharthan, learned counsel appearing for the respondents 1 to 3 appeared and raised his objections.



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4. 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 4th appellant are impleaded as appellants 14 and 15 in the above Second Appeal.

11.07.2023

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Note : The Registry is directed to carry out the necessary amendment in the cause title and list the matter on 04.08.2023.



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