

**C.M.P.Nos. 14236, 14237 & 14239 of 2022****in
S.A. No. 21 of 2015****T.V. THAMILSELVI, J.**

These petitions are filed seeking to condone the delay of 1036 days in setting aside the abatement, to set aside the abatement caused due to the death of 1st respondent, and to bring on record the proposed respondents 3 to 5 herein as legal representatives of deceased 1st respondent.

2. Mr.Kandhan Duraisami, learned counsel for petitioners/appellants submitted that pending appeal, 1st respondent died on 23.05.2019. He would also submit that the details of his legal heirs and death of his death were furnished by the respondents through email only on 13.08.2022. Hence, they could not file the petition in time. In view of the same, there is a delay of 1036 days arose and the delay is neither willful nor negligent. Hence, he has filed the above petitions.

3. Mr.S.Surya, learned counsel for 1st respondent appeared and submitted that he has to get instructions to file vakalat on behalf of proposed respondents 3 to 5.

4. Heard both sides.



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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 1st respondent are impleaded as respondents 3 to 5 in the above Second Appeal.

6. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 11.08.2023.

28.07.2023

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