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C.M.P.Nos. 17632, 17638 & 17635 of 2023

in

S.A. No. 500 of 2014

T.V. THAMILSELVI, J.

These petitions are filed seeking to set aside the abatement caused due to the death of sole appellant, to set aside the abatement caused due to the death of sole appellant and to bring on record the proposed appellants 2 to 6 herein as legal representatives of deceased sole appellant.

2. Mrs. V.Srimathi, learned counsel for petitioner/appellant submitted that pending appeal, sole appellant died on 11.08.2021. He would also submit that when the counsel on record informed the petitioners about the pendency of appeal, they have informed about his death, since they do not know about the legal implication involved. So, due to lack of communication, they are not able to implead them as his legal heirs in time. In view of the same, there is a delay of 709 days arose in setting aside the abatement and the delay is neither willful nor negligent. Hence, he has filed the above petitions.

3. Mr.R.Sunilkumar, learned counsel appearing for respondents 2 and 4 and Mr.R.Rajarajan, learned counsel for respondents 5 to 8 appeared and raised formal objections in allowing the above petitions.



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 representative of the sole appellant are impleaded as appellants 2 to 6 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 13.09.2023.

09.08.2023

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