



WEB COPY



C.M.P.Nos.17176, 17179 and 17180 of 2023

in C.M.A.No.1090 of 2019

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in

C.M.A.No.1090 of 2019

P.VELMURUGAN, J

C.M.P.No.17176 of 2023 is filed to condone the delay of 2820 days in filing petition to set aside the abatement caused due to the death of the second respondent in the appeal.

2. C.M.P.No.17179 of 2023 is filed to set aside the abatement caused due to the death of the second respondent in the appeal.

3. C.M.P.No.17180 of 2023 is filed to bring on record the legal representatives of the deceased second respondent, as respondents 4 to 6 in the appeal.

4. The learned counsel for the petitioner/Insurance Company submitted that the second respondent in the appeal had died even during the pendency of the claim petition and the claimants themselves have not brought the said factum of death of

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the second respondent, before the Tribunal and hence, the Tribunal was also not aware of the same and the Award was passed. Only when notice was sent to the second respondent after filing of the present appeal, the factum of the death of the second respondent in the appeal, came to be known and the delay is not on the part of the appellant/Insurance Company.

5. Admittedly, Award was passed by the Tribunal in the claim petition on 30.10.2015. The second respondent died on 07.06.2015, i.e. even when the claim petition was pending. The claimants have not brought to the notice of the factum of the death of the second respondent, before the Tribunal. The reasons stated for the delay are satisfactory and the delay is accordingly condoned. Consequently, C.M.P.Nos.17176, 17179 and 17180 of 2023, are ordered.

6. Registry is directed to carry out the necessary amendment of cause title in the Memorandum of Grounds of Appeal, forthwith.



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7. Learned counsel for the appellant is directed to file the amended copy of the Memorandum of Grounds of Appeal.
8. List the appeal for hearing on 25.09.2023.

11.09.2023
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