



WEB COPY



C.M.P. No.17554, 17558 & 17557 of 2023
in S.A.No. 231 of 2014

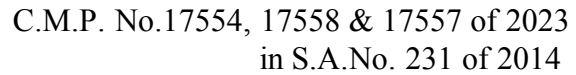
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in
S.A. No. 231 of 2014

T.V. THAMILSELVI, J.

These petitions are filed seeking to condone the delay of 3278 days in setting aside the abatement, to set aside the abatement caused due to the death of 5th respondent, and to bring on record the proposed respondents 12 to 14 herein as legal representatives of deceased 5th respondent.

2. Mr. N.Manoharan, learned counsel for petitioners/appellants submitted that pending appeal, 5th respondent died on 06.03.2014. He would also submit that due to 1st petitioner's ill-health, he is unable to contact his counsel on record and he could not inform about the death of 5th respondent and to furnish details of his legal heirs at the earliest point of time. Hence, the petitions were not filed in time. In view of the same there is a delay of 3278 days arose and the delay is neither willful nor negligent. He would also submit that since the case is pending from the year of 2014 for more than 9 years, he prayed for speedy disposal of this appeal. Accordingly, he has filed the above petitions.



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 5th respondent are impleaded as respondents 12 to 14 in the above Second Appeal.

5. Issue notice to newly added respondents 12 to 14 through court returnable by 27.09.2023. Private notice is also permitted.

6. The learned counsel for appellants is directed to pay batta for newly added respondents within 3 days.

7. The Registry is directed to carry out the necessary amendment in the cause title and list the matter on 27.09.2023.

11.08.2023

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