



WEB COPY



C.M.P.Nos. 17168, 17166 & 17169 of 2023

in

S.A. No. 1046 of 2012

T.V. THAMILSELVI, J.

These petitions are filed seeking to condone the delay of 153 days in setting aside the abatement, to set aside the abatement and to bring on record the petitioners/proposed appellants 1 to 3 and 6th respondent herein as legal representative of deceased sole appellant in the above appeal.

2. Ms.VJ.Latha, learned counsel for petitioners/LRs of appellants submitted that pending appeal, sole appellant died on 29.09.2022. He would submit that the petitioners did not know about the pendency of the above appeal and when the counsel contacted the deceased through mobile phone, the counsel on record came to know about the death of sole appellant. Furthermore, the wife of sole appellant, being a widow and aged about 62 years, is not aware of the proceedings and so, due to lack of communication, the petition was not filed in time. Hence, there is a delay of 153 days occurred and the delay is neither willful nor wanton. Hence, he prayed to allow the above petitions.



4. Mr.T.V.Viajayraghavan, learned counsel for 1st respondent appeared and raised formal objections in allowing this petition. The others respondents 3 to 5 were remain exparte.

5. Considering the facts and circumstances, and being satisfied with the reasons assigned in the affidavit, this petition is allowed. The proposed legal representative of the sole appellant are impleaded as appellants 2 to 4 and 6th respondent in the above Appeal.

6. Issue notice to the proposed 6th respondent through court returnable by 24.08.2023. Private notice is also permitted.

7. The learned counsel for appellants is directed to pay within three days.

8. Registry is directed to carry out necessary amendment in the cause title and post the matter on 24.08.2023 finally.

02.08.2023

rpp



WEB COPY



3

T.V.THAMILSELVI, J.

rpp

C.M.P.Nos. 17168, 17166
& 17169 of 2023
in
S.A. No. 1046 of 2012

02.08.2023