



WEB COPY



C.M.P.Nos. 18307, 18322 & 18319 of 2023

in

A.S. No. 154 of 2001

T.V. THAMILSELVI, J.

These petitions are filed seeking to condone the delay of 4450 days in setting aside the abatement, to set aside the abatement caused due to the death of 9th respondent and to bring on record the proposed respondents 12 to 17 herein as legal representatives of deceased 9th respondent.

2. Mr.M.Balasubramanian, learned counsel for petitioners/appellants submitted that pending appeal, 9th respondent died on 30.12.2010. He would submit that her husband was predeceased and her sons and daughters are surviving legal heirs of deceased 9th respondent. He would also submit that due to lack of communication and due to unaware of proceedings, the death of 9th respondent was not informed to him and furthermore, the petitioner unable to get details of her legal heirs. Hence, the petition to implead her legal heirs was not filed in time. In view of the same, there is a delay of 4450 days arose and the delay is neither willful nor negligent. Hence, he has filed the above petitions.



3. Mrs.Vasudha Thiyagarajan, learned counsel appearing for respondents 1 and 2 appeared and raised strong objections in allowing the above petitions.

4. Heard both sides.

5. Considering the facts and circumstances and on considering the reasons assigned in the affidavit seems to be justifiable one, both the petitions are allowed. The proposed legal representative of the 9th respondent are impleaded as respondents 12 to 17 in the above Appeal.

6. Issue fresh notice to newly added respondents through court returnable by 11.10.2023. Private Notice is also permitted.

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

8. The Registry is directed to carry out the necessary amendment in the cause title.

07.09.2023

rpp



WEB COPY

3



T.V.THAMILSELVI, J.

rpp

C.M.P.Nos. 18307, 18322 & 18319 of 2023

in
A.S. No. 154 of 2001

07.09.2023

(2/3)