



WEB COPY



C.M.P.Nos. 9020, 9021 & 9023 of 2022

in

S.A. No. 343 of 2010

T.V. THAMILSELVI, J.

These petitions are filed seeking to condone the delay of 4527 days in setting aside the abatement, to set aside the abatement caused due to the death of 8th respondent and to bring on record the proposed respondents 11 to 13 herein as legal representatives of deceased 8th respondent..

2. Mr.N.Thiagarajan, learned counsel for petitioner/appellant submitted that pending appeal, 8th respondent died on 17.02.2009. He would also submit that when the above matter was listed for hearing, the petitioner came to know from the cause list that 8th respondent, who was one of purchaser of suit property died and thereafter, after due enquiry, he gathered the particulars of his legal heirs. However, there is a delay of 4527 days arose in setting aside the abatement and the delay is neither willful nor negligent. Hence, he has filed the above petitions.

3. Mr.S.Mukunth, learned senior counsel appearing for respondents 2, 9 and 10 appeared and raised formal objections in allowing the above

petitions.



4. Heard both sides.

WEB COPY

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 8th respondent is impleaded as respondents 11 to 13 in the above Second Appeal.

6. Issue notice to proposed respondents 11 to 13 through court returnable by 16.08.2023. Private notice is also permitted.

7. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 16.08.2023.

18.07.2023

rpp



WEB COPY



3

T.V.THAMILSELVI, J.

rpp

C.M.P.Nos. 9020, 9021

& 9023 of 2022

in

S.A. No. 343 of 2010

18.07.2023