



WEB COPY



C.M.P.Nos. 20958, 20962 & 20964 of 2021

in

S.A. No. 1051 of 2012

T.V. THAMILSELVI, J.

These petitions are filed seeking to condone the delay of 525 days in setting aside the abatement, to set aside the abatement caused due to the death of 2nd respondent, and to bring on record the proposed respondents 3 and 40 herein as legal representatives of deceased 2nd respondent.

2. Mr.V.Chinnasamy, learned counsel for petitioner/appellant submitted that pending appeal, 2nd respondent died on 16.12.2018. He would also submit that he was not aware of death of 2nd respondent and only during November 2021, he came to know about his death and thereafter, he obtained particulars of his legal heirs. So, the petitions were not filed in time. In view of the same, there is a delay of 525 days arose and the delay is neither willful nor negligent. Hence, he has filed the above petitions.

3. Mr.L.Mouli, learned counsel for respondents 1 and 2 appeared and



submitted that he has no objection in allowing the above petitions.

WEB COPY

4. Heard both sides.

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 representatives of the 2nd respondent are impleaded as respondents 3 and 4 in the above Second Appeal.

6. Issue notice to the proposed respondents 3 and 4 through court returnable by 13.10.2023. Private notice also permitted.

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

8. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 13.10.2023.

05.09.2023

rpp



WEB COPY



rpp

C.M.P.Nos. 20958, 20962 & 20964

of 2021

in

S.A. No. 1051 of 2012

05.09.2023