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C.M.P.Nos. 1954, 1955 & 1957 of 2022

in

S.A. No. 1012 of 2010

T.V. THAMILSELVI, J.

These petitions are filed seeking to condone the delay of 3249 days in setting aside the abatement, to set aside the abatement and to bring on record the proposed respondents 4 to 7 herein as legal representatives of deceased 1st respondent in the above Second Appeal.

2. Mr.G.Ethirajulu, learned counsel for petitioners/appellants submitted that pending appeal, 1st respondent died on 21.08.2012. He would submit that only recently, he came to know about the factum of death of 1st respondent when the case was listed before this court. Furthermore, the wife of 1st respondent, being a widow and aged about 77 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 3249 days occurred and the delay is neither willful nor wanton. Hence, he prayed to allow the above petitions.

3. 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 1st respondent are impleaded as respondents 4 to 7 in the above Second Appeal.



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4. Issue notice to the proposed respondents 4 to 7 through court returnable by 24.08.2023. Private notice is also permitted.

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

28.07.2023

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