

**C.M.P.Nos. 19030, 19033 & 19035 of 2022****in****S.A. No. 1160 of 2012****T.V. THAMILSELVI, J.**

These petitions are filed seeking to condone the delay of 36 days in setting aside the abatement, to set aside the abatement caused due to the death of 7th respondent, and to bring on record the proposed respondents 9 to 11 herein as legal representatives of deceased 7th respondent.

2. Mr.T.Dhanasekaran, learned counsel for petitioners/appellants submitted that pending appeal, 7th respondent died on 16.04.2022. He would also submit that when the 2nd appellant went to his counsel during 3rd week of August 2022 to know about the status of above appeal, she informed about the death of 7th respondent to her counsel and also furnished the details of his legal heirs. So, they could not file the petition in time. In view of the same, there is a delay of 36 days arose and the delay is neither willful nor negligent. Hence, he has filed the above petitions.

3. Mr.Krishna Prasad, learned counsel for respondents 1 and 2 and Mr.T.Gowthaman, learned counsel for 3rd respondent appeared and submitted that they have no objection in allowing the above petitions.



4. Heard both sides.

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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 7th respondent are impleaded as respondents 9 to 11 in the above Second Appeal.

6. Issue notice to the proposed respondents 9 to 11 through court returnable by 05.09.2023. Private notice 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 and post the matter on 05.09.2023.

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