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C.M.P.Nos. 22234, 22237 & 22240 of 2023

in

S.A. No. 414 of 2017

T.V. THAMILSELVI, J.

These petitions are filed seeking to condone the delay of 2478 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 19 to 22 herein as legal representatives of deceased 7th respondent.

2. Mr.T.M.Pappiah, learned counsel for petitioner/appellant submitted that pending appeal, 7th respondent died on 13.07.2016. He would also submit that due to unaware of the death of 7th respondent and also due to unaware of the proceedings as well as details of his legal heirs, they could not file the petition in time. In view of the same, there is a delay of 2478 days arose and the delay is neither willful nor negligent. Hence, he has filed the above petitions.

3. Mr.P.Asokan, learned counsel for respondents 2 and 13 and Mr.M.Balasubramanian, learned counsel for respondents 16 to 18 appeared and submitted that they have no objection to allow these 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 19 to 22 in the above Second Appeal.

6. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 12.10.2023.

26.09.2023

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