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A.Nos.5621 to 5623 of 2022

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in

O.P.No.140 of 2014

SENTHILKUMAR RAMAMOORTHY, J.

These three applications are filed to condone the delay of 339 days in filing the application to set aside the abatement, to set aside the abatement caused due to the death of the first respondent and to implead respondents 10 to 12 in A.No.5623 of 2022 as respondents 11 to 13 in O.P.No.140 of 2014.

2. Notice was issued in the above applications returnable on 04.01.2023. Pursuant thereto, learned counsel for the applicant has filed an affidavit of service. The acknowledgement cards as regards respondents 3 and 4 are enclosed. The track consignment reports evidencing service of notice on respondents 5 to 9 are also enclosed. As regards respondents 1, 2, 10 to 12, acknowledgement of receipt of notice has been obtained on the notice. As such, all the respondents have been served. In spite of service of notice, there is no representation for any of the respondents.

3. In the application to set aside the abatement, the applicant has set out the reasons for delay in filing the application in paragraphs 5 to 8



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thereof. Upon examining the said reasons and being satisfied that sufficient cause is shown, the application to condone the delay in filing the application to set aside the abatement and the application to set aside the abatement are allowed. As regards the application to bring the legal heirs on record, this application is consequential to the death of the first respondent. The applicant has explained that respondents 10 to 12 are the legal heirs of the deceased first respondent. As such, this application is also liable to be allowed. Hence, this application is allowed and respondents 10 to 12 in the application are impleaded as Respondents 11 to 13 in O.P.No.140 of 2014. Consequently, the applicant/petitioner shall carry out the amendment in the petition on or before 25.01.2023.

List on 01.02.2023.

04.01.2023

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