



WEB COPY



C.M.P.Nos.21999, 22001& 22003 of 2022 in A.S.No.13 of 2009

C.M.P.Nos.21999, 22001 & 22003 of 2022
in A.S.No.13 of 2009

S.S.SUNDAR, J.,
and
A.A.NAKKIRAN, J.,

[Order of the Court was made by S.S.SUNDAR, J.,]

(1)The above miscellaneous petitions have been filed to condone the delay of 2102 days in filing the petition to set aside the abatement caused due to the death of 2nd respondent in the Appeal, by name, Thangavelu; to set aside the abatement; and to bring on record the proposed respondents who are the legal heirs of the deceased 2nd respondent as respondents 9 to 11 in A.S.No.13 of 2009.

(2)The petitioner is the appellant and the plaintiff in the suit. Though it is admitted that the 2nd respondent in the appeal died long back, these petitions are filed stating that the petitioner is not aware of the death of the 2nd respondent until recently. Though the inordinate delay of 2102 days is not explained properly, it is seen that the explanation offered by the petitioner cannot be discarded particularly when the petitioner is about 65 years old and she is a lady. These applications are seriously disputed by the



C.M.P.Nos.21999, 22001& 22003 of 2022 in A.S.No.13 of 2009

respondents who are the proposed parties.

WEB COPY

(3)Considering the delay and the serious prejudice to which the proposed parties are put into, these applications are allowed on condition that the petitioner pays a sum of Rs.10,000/- [Rupees Ten Thousand Only] to the proposed respondents 9 to 11 who are the legal representatives of the deceased 2nd respondent within the period of two weeks from today.

(4)Hence, C.M.P.Nos.21999, 22001 and 22003 of 2022 in A.S.No.13 of 2009 are **ordered**.

(5)The proposed respondents are arrayed as respondents 9 to 11 in A.S.No.13 of 2009.

[SSSRJ] [AANJ]
06.02.2023

cda



WEB COPY



C.M.P.Nos.21999, 22001& 22003 of 2022 in A.S.No.13 of 2009

S.S.SUNDAR, J.,
and
A.A.NAKKIRAN, J.,
cda

C.M.P.Nos.21999, 22001 & 22003 of 2022
in A.S.No.13 of 2009

06.02.2023