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C.M.P.Nos. 23168, 23169 & 23171 of 2022

in

S.A. No. 1597 of 2010

T.V. THAMILSELVI, J.

These petitions are filed seeking to condone the delay of 1220 days in setting aside the abatement, to set aside the abatement caused due to the death of 5th respondent, and to bring on record the proposed respondents 5 and 6 herein as legal representatives of deceased 5th respondent.

2. Mr.S.Victor Prasath, learned counsel for petitioner/appellant submitted that pending appeal, 5th respondent died on 20.03.2019. He would also submit that due to Covid-19 pandemic and due to lack of communication, he is not able to get details of legal heirs, due to which, he unable to give instructions to implead legal heirs of deceased 5th respondent. In view of the same, there is a delay of 1220 days arose and the delay is neither willful nor negligent. Hence, he has filed the above petitions.

3. M/s.K.M.Vijayan Associates, learned counsel for respondents 1 to 5 appeared.

4. Heard both sides.

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 5th respondent are impleaded as respondents 6 and 7 in the above Second Appeal.

6. Issue notice to the proposed respondents 6 and 7 through court returnable by 22.08.2023. Private notice is also permitted.

7. The learned counsel for appellants is directed to pay batta within 3 days.

8. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 22.08.2023.

24.07.2023

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