



**C.M.P.Nos. 795, 801 & 804 of 2019**

**in**

**S.A. No. 2284 of 2004**

**T.V. THAMILSELVI, J.**

These petitions are filed seeking to condone the delay of 23 days in setting aside the abatement, to set aside the abatement caused due to the death of 2<sup>nd</sup> respondent, and to bring on record the proposed respondents 13 to 16 herein as legal representatives of deceased 2<sup>nd</sup> respondent.

2. Mr.T.R.Rajaraman, learned counsel for petitioners/appellants submitted that pending appeal, 2<sup>nd</sup> respondent died on 28.08.2017. He would also submit that due to unaware of the death of 2<sup>nd</sup> respondent and also the details of his legal heirs, they could not file the petition in time. In view of the same, there is a delay of 23 days arose and the delay is neither willful nor negligent. Hence, he has filed the above petitions.

3. Mr.V.Chandrakanthan, learned counsel for respondents 7 and 8 appeared and submitted that he has 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 2<sup>nd</sup> respondent are impleaded as respondents 13 to 15 in the above Second Appeal.

6. Issue notice to the proposed respondents through court returnable by 24.08.2023. Private notice also permitted.

7. The learned counsel for appellant 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 24.08.2023.

**28.07.2023**

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