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C.M.P. Nos.857,858 & 861 of 2023
in S.A.No.454 of 2007

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S.A. No. 454 of 2007

T.V. THAMILSELVI, J.

These Civil Miscellaneous Petitions have been filed seeking to condone the delay of 3608 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 4th respondent, and to bring on record the proposed respondents 16 to 18 herein as legal representatives of deceased 4th respondent.

2. Mr.A.S.Kaizer, learned counsel for petitioner/appellant submitted that pending appeal, 4th respondent died on 17.09.2012. He would submit that the petitioner came to know about his death only on 01.09.2022 and after hectic efforts, he is able to get the particulars of his legal heirs and it is not due to any willful negligence on his part. However, the delay of 3608 days arose and the delay is neither willful nor wanton. Hence, he has filed the above petitions.



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3. Considering the facts and circumstances and being satisfied with the reasons assigned in the affidavit and in order to give one more opportunity, all the petitions are allowed on condition that the petitioner shall pay a cost of Rs.3000/- payable to the learned counsel for respondents within a period of one week from the date of receipt of copy of this order. On such payment of cost, the proposed legal representatives of the 3rd respondent are to be impleaded as respondents 16 to 18 in the above Second Appeal. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 25.09.2024.

02.09.2024

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