



C.M.P.Nos.8759, 8761, 8762, 8776 and 8781 of 2023  
in  
S.A.No.1251 of 2010

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**C.KUMARAPPAN, J.**

Civil Miscellaneous Petition No.8759 of 2023 has been filed seeking to condone the delay of 1306 days in filing the petition to set aside the abatement caused due to the death of the sole appellant, viz., Muthu @ Karuppannan in S.A.No.1251 of 2010.

1.1. Civil Miscellaneous Petition No.8761 of 2023 has been filed seeking to set aside the abatement caused due to the death of the sole appellant, viz., Muthu @ Karuppannan in S.A.No.1251 of 2010.

1.2. Civil Miscellaneous Petition No.8762 of 2023 has been filed seeking to bring the petitioners 2 to 5 and the respondents 3 to 5 herein on record as the legal representatives of the deceased sole appellant, viz., Muthu @ Karuppannan and as the appellants 2 to 5 and the respondents 3 to 5 in



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1.3. Civil Miscellaneous Petition No.8776 of 2023 has been filed seeking to set aside the order dated 14.12.2021 and restore the Second Appeal in S.A.No.1251 of 2010.

1.4. Civil Miscellaneous Petition No.8781 of 2023 has been filed seeking to bring the sixth respondent on record as the legal representative of the deceased first respondent, viz., Chinnathambi @ Karuppan and as the sixth respondent in S.A.No.1251 of 2010.

2. The learned counsel for the respondents has objected these petitions.

3. On a perusal of the records, it reveals that the appeal was closed on the ground of abatement on 14.12.2021.

4. The learned counsel for the petitioners would submit that the



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reason for the delay is their belated knowledge about the death of the sole appellant and the first respondent.

5. Having considered the submissions made by the learned counsel for the petitioners and having considered the petitioners' affidavits in support of these petitions, it is appropriate to allow these miscellaneous petitions.

6. In the result, these miscellaneous petitions are allowed.

05.12.2024

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**Note: Registry is directed to carry out necessary amendments in the Second Appeal pursuant to the aforesaid order and post the above Second Appeal first week of January for final hearing.**



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