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C.M.P.Nos.1135, 1139 & 1140 of 2019
in S.A.No.325 of 2008

C.M.P.Nos. 1135, 1139 & 1140 of 2019

in

S.A. No. 325 of 2008

T.V. THAMILSELVI, J.

These Civil Miscellaneous Petitions have been filed seeking to condone the delay of 1836 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 1st respondent, and to bring on record the proposed respondents 10 to 14 herein as legal representatives of deceased 1st respondent.

2. Mr.A.M.Packianathan Easter, learned counsel for petitioner/appellant submitted that after the judgment passed in the appeal suit, 1st respondent died on 30.07.2013. He would submit that due to petitioner's illness, he could not contact his counsel and inform about his death. In view of the same, there is a delay in filing petitions to set aside the abatement and to bring his legal heirs on record. In view of the same, there was a delay 1836 days in filing the above petitions and the delay is neither willful nor wanton. Hence, she has filed the above petitions.



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3. Ms. M.H. Anishia, learned counsel for respondents 3 to 8 appeared and she raised formal objections.

4. Considering the facts and circumstances, and also considering the fact that since the petitioners/proposed respondents 10 to 14 are necessary parties, they are liable to be added as parties to the proceedings and being satisfied with the reasons assigned in the affidavit, in the interest of justice and to avoid further complications, all the petitions are allowed. The proposed legal representatives of the 1st respondent are impleaded as respondents 10 to 14 in the above Second Appeal.

5. Registry is directed to carry out the necessary amendment in the cause title and number the Second Appeal if it is otherwise found to be in order and post the matter on 28.08.2024 for final arguments.

13.08.2024

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