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C.M.P.Nos.3787, 3788 & 3789 of 2020
in S.A.SR.No.4112 of 2013

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in

S.A. SR.No. 4112 of 2013

T.V. THAMILSELVI, J.

These Civil Miscellaneous Petitions have been filed seeking to condone the delay of 3671 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 4 to 10 herein as legal representatives of deceased 1st respondent.

2. Ms.Usha Ramman, learned counsel for petitioners/appellants submitted that after the judgment passed in the appeal suit, 1st respondent died on 24.07.2009. She would submit that when the petitioners have filed a petition to accept the cause title for 1st respondent's legal heirs in C.M.P.No.7306 of 2019, this Court expressed a view that they have to file a petition to condone the 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 3671 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. Considering the facts and circumstances, and also considering the fact that since the petitioners/proposed respondents 4 to 10 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, all the petitions are allowed. The proposed legal representatives of the 1st respondent are impleaded as respondents 4 to 10 in the above Second Appeal.

4. 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 10.07.2024.

26.06.2024

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