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*C.M.P. Nos. 3582, 3587 & 3589 of 2024
in A.S. No.747 of 2018*

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**M.SUNDAR,J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

(Order of the Court was made by K.GOVINDARAJAN THILAKAVADI, J.)

The present appeal is directed against the judgment and decree dated 02.08.2018 made in O.S.No.718 of 2011 on the file of the I Additional District Judge, Coimbatore. Pending appeal, the first respondent Palaniammal died on 28.05.2021. The second respondent T.Ramakrishnan died on 28.11.2020 leaving behind his wife, son and daughter as surviving legal heirs. Therefore, it is necessary to bring on record the legal heirs of the deceased as respondents to proceed with the first appeal.

2. When the appeal came up for hearing on 08.01.2024, learned counsel for respondents 1 to 3 informed about the death of the first respondent viz., Palaniammal and second respondent viz., T.Ramakrishnan and furnished the details regarding the legal heirs. Thereafter, the petitioner/appellant has filed the present petitions (i) to condone the delay of 552 days in filing the petition to set aside the abatement caused by the death of the second respondent,



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(ii) to set aside the abatement caused by the death of the second respondent and (iii) to bring on record respondents 3 to 5 as legal representatives of the deceased second respondent. On the other hand, the learned counsel for second respondent Bank submits that since there is no claim as against the Bank, no counter affidavit is filed in these petitions.

3. Considering the facts and circumstances of the case and to afford an opportunity to the legal heirs of the deceased and in the interest of justice, these petitions are allowed.

(M.S.J.) (K.G.T.J.)
28.02.2024

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Note: Registry is directed to carry out necessary amendment

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