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C.M.P.Nos. 11581, 11584 & 11578 of 2021

in

S.A. No. 1167 of 2005

T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 2622 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 3 to 8 herein as legal representatives of deceased 1st respondent.

2. Mrs.V.Srimathi, learned counsel for petitioner/appellant submitted that pending appeal, 1st respondent died on 25.07.2012. She would submit that as the petitioner was not aware of court proceedings, he unable to inform about his death to the counsel on record and he came to know only when his counsel contacted him. It is not due to any willful negligence on his part. However, the delay of 2622 days arose and the delay is neither willful nor wanton. Hence, he has filed the above petitions.

3. Mrs.V.Ambika, learned counsel for respondents 3 to 8 appeared and raised objections in allowing this petition.

4. On considering the facts and circumstances and being satisfied with the reasons assigned in the affidavit, all the petitions are allowed with

a condition that the learned counsel for petitioner shall pay a cost of



Rs.3000/- to the learned counsel appearing for respondents 3 to 8.

However, the learned counsel for petitioner has paid the cost to her in the open court itself. The proposed legal representatives of 1st respondent are impleaded as respondents 3 to 8 in the above Second Appeal. The Registry is directed to carry out the necessary amendment in the cause title.

5. Post the matter on 25.11.2024.

06.11.2024

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11578 of 2021
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