



WEB COPY



C.M.P. Nos.6228, 6231 & 6233 of 2024
in S.A.No.1005 of 2004

C.M.P.Nos.6228, 6231 & 6233 of 2024

in
S.A. No. 1005 of 2004

T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 1730 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 3rd respondent, and to bring on record the proposed respondents 11 to 13 herein as legal representatives of deceased 3rd respondent.

2. Mr.V.Selvaraj, learned counsel for petitioners/appellants submitted that pending appeal, 3rd respondent died on 11.01.2019. He would submit that the petitioners were not aware of death of her and only recently, they came to know about her death and it is not due to any willful negligence on his part. However, the delay of 1730 days arose and the delay is neither willful nor wanton. Hence, he has filed the above petitions.

3. Mr. R.Thirugnanam, learned counsel for respondents 8 to 11 appeared and raised strong objections stating that sufficient reasons was not stated for the said delay.



C.M.P. Nos.6228, 6231 & 6233 of 2024
in S.A.No.1005 of 2004

WEB COPY

4. On considering the facts and circumstances and being satisfied with the reasons assigned in the affidavit, all the petitions are allowed on condition that the petitioner shall pay a cost of Rs.1500/- payable to the learned counsel for respondents 8 to 11 within a period of one week from the date of receipt of copy of this order. The proposed legal representatives of the 3rd respondent are impleaded as respondents 11 to 13 in the above Second Appeal. The Registry is directed to carry out the necessary amendment in the cause title.

5. Issue notice to the proposed respondents 11 to 13 through court returnable by 08.01.2025. Private notice is also permitted.

6. Post the matter on 08.01.2025.

02.12.2024

rpp

N.B. : Issue order copy on 04.12.2024



WEB COPY



C.M.P. Nos.6228, 6231 & 6233 of 2024
in S.A.No.1005 of 2004

T.V.THAMILSELVI, J.

rpp

C.M.P.Nos. 6228, 6231 & 6233 of 2024
in
S.A. No. 1005 of 2004

02.12.2024
(1/4)