



WEB COPY



C.M.P. Nos.6220, 6224 & 6226 of 2024
in S.A.No.1005 of 2004

C.M.P.Nos.6220, 6224 & 6226 of 2024

in

S.A. No. 1005 of 2004

T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 1955 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 5th respondent, and to bring on record the proposed respondents 9 and 10 herein as legal representatives of deceased 5th respondent.

2. Mr.V.Selvaraj, learned counsel for petitioners/appellants submitted that pending appeal, 5th respondent died on 31.05.2018. He would submit that the petitioners were not aware of death of him and only recently, they came to know about his death and it is not due to any willful negligence on his part. However, the delay of 1955 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 reason was not stated for the said delay.



C.M.P. Nos.6220, 6224 & 6226 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 5th respondent are impleaded as respondents 9 and 10 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 9 and 10 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.6220, 6224 & 6226 of 2024
in S.A.No.1005 of 2004

T.V.THAMILSELVI, J.

rpp

C.M.P.Nos. 6220, 6224 & 6226 of 2024
in
S.A. No. 1005 of 2004

02.12.2024
(2/4)