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C.M.P. Nos.6236, 6237 & 6239 of 2024
in S.A.No.1006 of 2004

C.M.P.Nos.6236, 6237 & 6239 of 2024

in
S.A. No. 1006 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 4th respondent, and to bring on record the proposed respondents 17 to 19 herein as legal representatives of deceased 4th respondent.

2. Mr.V.Selvaraj, learned counsel for petitioners/appellants submitted that pending appeal, 4th 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.



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4. On considering the facts and circumstances and being satisfied with the reasons assigned in the affidavit, all the petitions are allowed. The proposed legal representatives of the 4th respondent are impleaded as respondents 17 to 19 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 17 to 19 through court returnable by 08.01.2025. Private notice is also permitted.

6. Post the matter on 08.01.2025.

02.12.2024

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