



C.M.P. Nos.5799, 5797 & 5802 of 2023  
in S.A.No.525 of 2023

**C.M.P.Nos.5799, 5797 & 5802 of 2023**

**in**

**S.A. No. 1490 of 2007**

**T.V. THAMILSELVI, J.**

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These petitions have been filed seeking to condone the delay of 8202 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 4<sup>th</sup> respondent, and to bring on record the proposed respondents 10 to 14 herein as legal representatives of deceased 4<sup>th</sup> respondent.

2. Ms.Elizabeth Ravi, learned counsel for petitioners/appellants submitted that pending appeal, 4<sup>th</sup> respondent died on 25.04.2008 leaving behind his two sons and three daughters as legal heirs. He would submit that the wife of 4<sup>th</sup> respondent was predeceased to him and so there is no legal heir other than the respondents 10 to 14 herein. He would further submit that petitioner came to know about his death only recently and it is not due to any willful negligence on his part. However, the delay of 8202 days arose and the delay is neither willful nor wanton. Hence, he has filed the above petitions.



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3. 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 4<sup>th</sup> respondent are impleaded as respondents 10 to 14 in the above Second Appeal. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 11.12.2024.

**13.11.2024**

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