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C.M.P. Nos.5742, 5801 & 5798 of 2023
in S.A.No.525 of 2023

C.M.P.Nos.5742, 5801 & 5798 of 2023

in

S.A. No. 1490 of 2007

T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 2157 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 4th appellant, and to bring on record the proposed respondents 8 and 9 herein as legal representatives of deceased 4th appellant.

2. Ms.Elizabeth Ravi, learned counsel for petitioners/appellants submitted that pending appeal, 4th appellant died on 12.11.2016 leaving behind his son and daughter as legal heirs. He would submit that the wife of 4th appellant was predeceased to him and so there is no legal heir other than the respondents 8 and 9 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 2157 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 4th appellant are impleaded as respondents 8 and 9 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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