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C.M.P. Nos.9287, 9289 & 9291 of 2023
in S.A.No.163 of 2005

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S.A. No. 163 of 2005

T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 242 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of sole appellant, and to bring on record the proposed appellants 2 to 4 herein as legal representatives of deceased sole appellant.

2. Ms.T.R.Gayathri, learned counsel for petitioner would submit that pending appeal, sole appellant died on 20.12.2020 leaving behind her legal heirs/proposed appellants 2 to 4 herein. He would submit that her mother only taking care of this Second Appeal and only receipt of letter from the counsel on record, he came to know about pending of this appeal and he was advised to file these petitions. Hence, due to unaware of proceedings and due to lack of communication, the delay of 242 days arose and the delay is neither willful nor wanton. Hence, he has filed the above petitions.



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3. Mrs. R.Meenal, learned counsel for respondents 3 and 5 to 9 raised formal objections in allowing this petition.

4. Considering the facts and circumstances and being satisfied with the reasons assigned in the affidavit, and being satisfied with the reasons assigned in the affidavit, all the petitions are allowed. The proposed legal representatives of the sole appellant are impleaded as appellants 2 to 4 in the above Second Appeal. The Registry is directed to carry out the necessary amendment in the cause title.

27.09.2024

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