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C.M.P.Nos.9897, 9896 & 9898 of 2019
in S.A.SR.No.4112 of 2013

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in

S.A. SR.No. 4112 of 2013

T.V. THAMILSELVI, J.

These Civil Miscellaneous Petitions have been filed seeking to condone the delay of 36 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 10 to 12 herein as legal representatives of deceased 5th respondent.

2. Ms.Usha Ramman, learned counsel for petitioners/appellants submitted that after numbering the petition to accept the cause title for the 1st respondent's legal heirs, they came to know that the 5th respondent, who is his daughter died on 10.12.2018. Hence, due to lack of knowledge about her death, they have not filed a petition to set aside the abatement and to implead her legal heirs of 5th respondent within a time. In view of the same, there was a delay 36 days in filing the above petitions and the delay is neither willful nor wanton. Hence, she has filed the above petitions.

3. Considering the facts and circumstances, and also considering the



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fact that since the petitioners/proposed respondents 10 to 12 are necessary parties, they are liable to be added as parties to the proceedings and being satisfied with the reasons assigned in the affidavit, in the interest of justice, all the petitions are allowed. The proposed legal representatives of the 8th respondent are impleaded as respondents 10 to 12 in the above Second Appeal.

4. Registry is directed to carry out the necessary amendment in the cause title and number the Second Appeal if it is otherwise found to be in order and post the matter on 10.07.2024.

26.06.2024

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