



C.M.P. Nos.16353, 16358 & 16360 of 2024
in S.A.No.1925 of 2004

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in
S.A. No. 1925 of 2004

T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 628 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 the petitioner and the respondents 18 to 21 on record as legal representatives of deceased sole appellant.

2. Mr.T.L.Thirumalaisamy, learned counsel for petitioners/appellants submitted that pending appeal, sole appellant died on 17.08.2021. He would submit that inspite of petitioner's best efforts, the other legal heirs have not come forward to cooperate with him to proceed with the case. He would submit that the petitioner is aged about 70 years and he was suffering from old-age ailments. After recovery, he contacted the present counsel on record and came to know that erstwhile counsel was also died. Thereafter, I took steps to proceed with the case. Hence, there is a delay



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delay of 628 days arose and the delay is neither willful nor wanton. Hence,
he has filed the above petitions.

3. On considering the facts and circumstances and being satisfied with the reasons assigned in the affidavit and to avoid further complications, all the petitions are allowed. The proposed legal representatives of the sole appellant are impleaded as 2nd appellant and respondents 18 to 21 in the above Second Appeal. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 14.11.2024.

25.10.2024

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