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C.M.P. Nos.19697, 19696 & 19695 of 2023
in S.A.No.1334 of 2010

C.M.P.Nos.19697, 19696 & 19695 of 2023

in
S.A. No. 1334 of 2010

T.V. THAMILSELVI, J.

These Civil Miscellaneous Petitions have been filed seeking to condone the delay of 367 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of sole respondent, and to bring on record the proposed respondents 2 and 3 herein as legal representatives of deceased sole respondent.

2. Mr.S.Kaithamalai Kumaran, learned counsel for petitioner/appellant submitted that pending appeal, sole respondent died on 19.05.2021. He would submit that the petitioner came to know about his death only when his counsel came to about the same and after hectic efforts, he is able to get the particulars of his legal heirs and it is not due to any willful negligence on his part. However, the delay of 367 days arose and the delay is neither willful nor wanton. Hence, he has filed the above petitions.



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3. Mr.P.Navaneetha Krishnan, learned counsel for respondents 1 and 2 would raise objection in allowing these petitions and also stated that one of legal heir's name viz., Santha Sheela is wrongly mentioned as Santha Devi. Hence, he prayed to amend the same.

4. Considering the facts and circumstances and being satisfied with the reasons assigned in the affidavit and in order to give one more opportunity, all the petitions are allowed. The proposed legal representatives of the sole respondent are to be impleaded as respondents 2 and 3 in the above Second Appeal. The Registry is directed to carry out the necessary amendment in the cause title and also directed to amend name of 2nd respondent as Santha Sheela instead of Santha Devi, one of legal heir of sole respondent.

5. Post the matter on 24.09.2024.

02.09.2024

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