



WEB COPY



C.M.P. Nos.19686, 19687 & 19688 of 2024
in S.A.SR.No. 41548 of 2024

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T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 3437 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 1st respondent, and to bring on record the proposed respondents 3 and 4 herein as legal representatives of deceased 1st respondent.

2. Mr.R.Bhagawat Krishna, learned counsel for petitioners/appellants submitted that pending appeal, 1st respondent died on 18.10.2014. He would submit that one of his legal heir viz., 1st appellant died on 03.12.2015, the other legal heirs/proposed respondents 3 and 4 are his surviving legal heirs. He would submit that since the plaintiff filed a suit for declaration to declare the cancellation of deed as null and void, they are necessary parties and they are liable to be impleaded in the Second Appeal. Unless the legal heirs are impleaded in the above Second Appeal, the appellants would not get the fruits of the decree. However, the delay of 3437 days arose and the delay is neither willful nor wanton. Hence, he has filed the above petitions.



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3. Considering the facts and circumstances and being satisfied with the reasons assigned in the affidavit, all the petitions are allowed on condition that the petitioner shall pay a on condition that the petitioners shall pay a cost of Rs.2500/- (Rupees two thousand five hundred only) **as non-refundable deposit to the credit of The Medical Research Foundation (Sankara Nethralaya), No.41/18, College Road, Chennai-6. HDFC Bank Ltd., A/c.No.00821000087815, IFSC Code No. HDFC0000082** within a period of one week from the date of receipt of copy of this order. On such payment of cost, the proposed legal representatives of the 1st respondent are impleaded as respondents 3 and 4 in the above Second Appeal. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 04.10.2024.

18.09.2024

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