



C.M.P. Nos.18688, 18691 & 18692 of 2024
in S.A.No.371 of 2001

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T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 304 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 6 herein as legal representatives of deceased sole appellant.

2. Mr.P.Dinesh Kumar, learned counsel for petitioners/appellants submitted that pending appeal, sole appellant died on 11.05.2023. He would submit that the petitioner's father/deceased sole appellant had conducted the court proceedings and after his demise, the petitioner came to know about the pendency of this appeal only on receipt of letter on 04.11.2023 from his counsel and it is not due to any willful negligence on his part. However, the delay of 304 days arose and the delay is neither willful nor wanton. Hence, he has filed the above petitions.

3. Ms.P.T.Ramadevi, learned counsel for respondents appeared and



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raised formal objections for allowing these petitions.

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4. On 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 cost of Rs.1000/- payable to the Tamil Nadu State Legal Services Authority, Chennai within a period of one week from the date of receipt of copy of this order. The proposed legal representatives of the sole appellant are impleaded as appellants 2 to 6 in the above Second Appeal. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 06.09.2024.

27.08.2024

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