



WEB COPY



C.M.P. Nos.22259, 22261 & 22263 of 2024
in S.A.No.1280 of 2010

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T.V. THAMILSELVI, J.

These petitions have been filed seeking to condone the delay of 789 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. Mrs.V.Srimathi, learned counsel for petitioners/appellants submitted that pending appeal, sole respondent died on 01.09.2021. He would submit that the 1st petitioner came to know about his death and his daughter only when the matter came up for hearing on 03.09.2024 before this court and she had also shocked to know that respondent as projected was even married and has a daughter. But, to the best of her knowledge, her husband never married again or had a child. However, as the counsel for her husband produced a Will purportedly executed by her husband in



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favour of one Keerthana. However, there is a delay of 789 days arose in filing the above petitions and the delay is neither willful nor wanton, but due to aforesaid reasons. Hence, she has filed the above petitions.

3. Mr.V.Nicholas, learned counsel for respondent appeared and raised objections in allowing this petition.

4. Considering the facts and circumstances and being satisfied with the reasons assigned in the affidavit, this Court is inclined to allow all the petitions. The proposed legal representatives of the sole respondent are impleaded as respondents 2 and 3 in the above Second Appeal subject to proof of Will. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 22.10.2024.

14.10.2024

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