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C.M.P. Nos.11901, 11903 & 11906 of 2021
in S.A.No.163 of 2006

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T.V. THAMILSELVI, J.

These Civil Miscellaneous Petitions have been filed seeking to condone the delay of 466 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 2nd appellant, and to bring on record the proposed petitioners 3 to 9 herein as legal representatives of deceased 2nd appellant.

2. Mr.P.Seshadri, learned counsel for petitioners/appellants submitted that pending appeal, 2nd appellant died on 23.03.2018. He would submit that due to unaware of court proceedings, the death of him was not brought before this court and it is not due to any willful negligence on his part. However, the delay of 466 days arose and the delay is neither willful nor wanton. Hence, he has filed the above petitions.

3. Mr.J.Ashok, learned counsel for 4th respondent appeared and submitted that he has no objection in allowing this petition.

4. On considering the facts and circumstances and being satisfied



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with the reasons assigned in the affidavit, all the petitions are allowed. The proposed legal representatives of the 2nd appellant are impleaded as appellants 3 to 9 in the above Second Appeal. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 29.01.2025.

11.12.2024

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