

C.M.P.Nos.11850, 11846 & 11854 of 2021

in
S.A. No. 164 of 2006

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 1st appellant, and to bring on record the proposed petitioners 3 to 9 herein as legal representatives of deceased 1st appellant.

2. Mr.P.Seshadri, learned counsel for petitioners/appellants submitted that pending appeal, 1st 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 with

C.M.P. Nos.11850, 11846 & 11854 of 2021
in S.A.No.164 of 2006

the reasons assigned in the affidavit, all the petitions are allowed. The proposed legal representatives of the 1st 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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C.M.P. Nos.11850, 11846 & 11854 of 2021
in S.A.No.164 of 2006

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