



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

SA.



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DATED: 09-12-2024

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

**CMP. 28277 OF 2024, CMP. 28281 OF 2024, CMP. 28280 OF 2024,
IN
SA. 230 of 2023**

ANBALAGAN

APPELLANT(S)

Vs

MARUTHAMUTHU (DIED)

1. RAJAM
2. JOTHI
3. SUMATHI
4. RAMADOSS
5. RASAIYA RESPONDENT(S)

For Appellant(s):

Mr.K.SHAKESPEARE

For Respondent(s):

Mr. A. MUTHUKUMAR

ORDER

These Civil Miscellaneous Petitions have been filed seeking to condone the delay of 489 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 to 5 herein as legal representatives of deceased sole respondent.

2. Mr.K.Shakespeare, learned counsel for petitioners/appellants submitted that pending appeal, sole respondent died on 21.02.2023. He would submit that the petitioner is not aware about his death and only recently, he came to know about the same and it is not due to any



willful negligence on his part. However, the delay of 489 days arose and the de her
willful nor wanton. Hence, he has filed the above petitions.

3. Considering the facts and circumstances and being satisfied with the reasons assigned in the affidavit, all the petitions are allowed. The proposed legal representatives of the sole respondent are impleaded as respondents 2 to 5 in the above Second Appeal. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 06.02.2025.

4. The learned counsel for deceased respondent is directed to file vakalat for newly added respondents 2 to 5.

(T.V.THAMILSELVI J.)
09-12-2024

RPP