



C.M.P.Nos.7272, 7274 & 7278 of 2023

in

S.A.No.113 of 2009

C.V.KARTHIKEYAN, J.

These three petitions have been filed consequent to the death of the 1st respondent, A.Duraisamy. They had been filed to condone the delay of 3783 days in filing the petition to set aside abatement, to set aside abatement and to bring on record his legal representatives as 8th and 9th respondents.

2.In the normal course, notice should have been directed to the proposed respondents, but the deceased 1st respondent was the plaintiff in the suit who had the benefit of the decree in the Trial Court and also had the benefit of First Appeal being dismissed in his favour. Naturally then, his legal representatives will necessarily have to made as parties to the Second Appeal and the Second Appeal can never be disposed without giving them an opportunity of hearing.

3.The learned counsel who earlier appeared for the 1st respondent is present. I would allow this petition and I would direct the appellants to issue notice to the 8th and 9th respondents in the Second Appeal, so that they may give instructions for the learned counsel to file vakalat. Taking that view, all these petitions are allowed.



C.V.KARTHIKEYAN, J.

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4.The Registry to carry out necessary amendment in the cause title reflecting the death of the 1st respondent, A.Duraisamy and bring on record his legal representatives, namely, Nadanasabapathi and Annapoorni as the 8th and 9th respondents.

13.06.2025

smv

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