



WEB COPY



C.M.P.Nos.7370, 7373 & 7377 of 2025

and

C.M.P.Nos.7372 & 7364 of 2025

in

S.A.No.113 of 2009

C.V.KARTHIKEYAN, J.

C.M.P.Nos.7373, 7377 and 7370 of 2025 have been filed to condone the delay of 3928 days in filing petition to set aside abatement caused due to the death of Ponnusamy / 1st appellant, to set aside abatement and to bring on record the legal representatives as proposed 3rd, 4th and 5th appellants to prosecute the appeal further.

2.C.M.P.Nos.7372 and 7364 of 2025 have been filed to condone the delay of 4778 days in filing application to set aside abatement caused due to the death of Allimuthu / 2nd appellant and to set aside abatement.

3.It is to be noted that the 1st and 2nd appellants are spouses.

4.Taking all the factors into consideration and in view of the fact that the Second Appeal had been admitted and substantial questions of law had also been framed, and the Court has an obligation to answer the substantial questions of law irrespective of the fact whether the appeal had suffered abatement, it would only be appropriate to allow all these petitions. Accordingly, all these



petitions are allowed.

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smv

5.The Registry to carry out necessary amendment in the cause title reflecting the death of the 1st and 2nd appellants and bring on record their legal representatives as 3rd, 4th and 5th appellants.

13.06.2025

smv

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