



WEB COPY



C.M.P.Nos.8719, 8720 & 8722 of 2023
and
C.M.P.Nos.8636 of 2023, 14531 & 14534 of 2025
and
C.M.P.Nos.8718 of 2023, 14528 & 14529 of 2025
in
S.A.No.1243 of 2009

C.V.KARTHIKEYAN, J.

C.M.P.Nos.8719, 8720 & 8722 of 2023 have been filed to condone the delay of 2432 days in filing petition to set aside abatement consequent to the death of the 1st appellant, to set aside abatement and to bring on record her legal representative as the 6th appellant.

2.C.M.P.Nos.8636 of 2023, 14531 & 14534 of 2025 have been filed to condone the delay of 1237 days in filing petition to set aside abatement consequent to the death of the 2nd appellant, to set aside abatement and to bring on record his legal representative as the 7th to 10th appellants.

3.C.M.P.Nos.8718 of 2023, 14528 & 14529 of 2025 have been filed to condone the delay of 1237 days in filing petition to set aside abatement consequent to the death of the 3rd appellant, to set aside abatement and to bring on record his legal representative as the 11th appellants.



C.V.KARTHIKEYAN, J.

smv

WEB COPY 4. It is contended by the learned counsel for the appellants that the Second

Appeal emanates from a suit for partition and separate possession and therefore the right still exists and flows over to the legal representatives to also agitate the claim of the share or to question the claim of the share. It had therefore been contended that though there is a delay, the delay is neither wilful nor wanton, its beyond the control of the petitioners herein.

5. Heard the learned counsel for the respondents also.

6. A perusal of the records show that the Second Appeal had been admitted and Substantial Questions of Law had been framed. The records are also available.

7. Taking an overall view of the entire factors, all these petitions are allowed.

8. The Registry to carry out necessary amendment reflecting the demise of the 1st, 2nd and 3rd appellants and bring on record their legal representatives as Appellant Nos. 6 to 11.

11.07.2025

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