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C.M.P. Nos.11012, 11013 & 11014 of 2025
in S.A.No.1 of 2023

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T.V. THAMILSELVI, J.

These Civil Miscellaneous Petitions have been filed seeking to condone the delay of 128 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 2nd appellant, and to bring on record the proposed appellants 3 and 4 herein as legal representatives of deceased 2nd appellant.

2. Mr.G.Pavendhan, learned counsel for petitioners submitted that pending appeal, 2nd appellant died on 29.06.2024. He would submit that after enduring much effort, the 1st petitioner had collected the particulars and taken steps to collect the case papers, which is not due to any willful negligence on his part. However, the delay of 128 days arose and the delay is neither willful nor wanton. Hence, he has filed the above petitions.

3. On 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 2nd appellant are impleaded as appellants 3 and 4 in the above Second Appeal. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 15.07.2025.

29.04.2025

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