



C.M.P.Nos.22424, 22428 & 22430 of 2025 in S.A.No.459 of 2019

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in
S.A.No.459 of 2019

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K. RAJASEKAR, J.

These Civil Miscellaneous Petitions have been filed by the appellant to condone the delay of 712 days in filing the Petitions to set aside the abatement caused due to the death of the deceased sole appellant in S.A.No.459 of 2019 and to bring the petitioners herein on record as the legal representatives of the deceased sole appellant viz., Vallinayaki as the appellants 2 and 3 in the above S.A.No.459 of 2019.

2. Heard the learned counsel for the petitioners and perused the records available on record.

3. The reasons stated in the affidavit filed in support of the condone delay petition is that, the proposed parties are not aware about the proceedings initiated before this Court for the death of the sole appellant and only recently they came to know about the proceedings to implead the legal representatives of the death of the sole appellant and thereafter they have verified the records and has come forward to proceed further with filing the petitions to set aside the abatement and to bring on record the legal representatives of the deceased sole appellant, however, there is a delay.

4. The learned counsel for the respondent has no objection to allow these petitions.



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5. Having satisfied the reasons stated in the affidavit filed in support of this petition, the aforesaid delay of 712 days in filing the the Petition to set aside the abatement caused by the death of the sole appellant in S.A.No.459 of 2019 is condoned. Consequently, the petitions filed for setting aside the abatement caused due to the death of the sole appellant namely P.Vallinayaki and to bring on record the petitioners as the legal representatives of the deceased sole appellant as the appellants 2 and 3 in the above S.A.No.459 of 2019 are also allowed.

6. Accordingly, these Civil Miscellaneous Petitions are allowed.

7. Registry is directed to carry out necessary amendment in the cause title and list the main Second Appeal for hearing after two weeks.

11.09.2025
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