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C.M.P. Nos.9683, 9685 & 9688 of 2025  
in C.M.P.No.28982 of 2024 in  
S.A.SR. No.137560 of 2024

**C.M.P.Nos.9683, 9685 & 9688 of 2025**

**in**

**C.M.P.No. 28982 of 2024**

**in**

**SA.SR.No.137560 of 2024**

**T.V. THAMILSELVI, J.**

These Civil Miscellaneous Petitions have been filed seeking to condone the delay of 2480 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 3<sup>rd</sup> respondent, and to bring on record the proposed respondents 5 and 6 herein as legal representatives of deceased 3<sup>rd</sup> respondent.

2. Mr.P.Navaneetha Krishnan, learned counsel for petitioners/appellants submitted that pending appeal, 3<sup>rd</sup> respondent died on 02.02.2018. He would submit that the petitioner came to know about his death only on return of private notice sent to him and it is not due to any willful negligence on his part. However, the delay of 2480 days arose and the delay is neither willful nor wanton. Hence, he has filed the above petitions.

3. 4. Mr.Sam Jayaraj Houston, learned counsel for respondents 1, 2, 5 and 6 appeared and raised strong objections stating that no sufficient reason stated for the said delay.



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4. 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 3<sup>rd</sup> respondent are impleaded as respondents 7 and 8 in the above Second Appeal. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 03.07.2025.

**28.04.2025**

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