



C.M.P. Nos.11173, 11175 & 11176 of 2025
in S.A.No.360 of 2024

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in
S.A. No. 360 of 2024

T.V. THAMILSELVI, J.

These Civil Miscellaneous Petitions have been filed seeking to condone the delay of 594 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 1st respondent, and to bring on record the proposed respondents 21 to 24 herein as legal representatives of deceased 1st respondent.

2. Mr.C.Prabakaran, learned counsel for petitioners/appellants submitted that pending appeal, 1st respondent died on 16.04.2023. He would submit that due to age old ailments, the petitioners were not able to attend any of ceremonies in their family. While pendency of first appeal, the 1st respondent died, but inadvertently her legal heirs were not brought on record as parties to Appeal Suit. Moreover, they were not aware of her legal heirs. Only based on the memo filed by respondents' counsel along with details of legal heirs, they have filed these petitions and it is not due to any willful negligence on their part. Hence, there is a delay of 594 days arose and the delay is neither willful nor wanton. Accordingly, they have filed the above petitions.



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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 1st respondent are impleaded as respondents 21 to 24 in the above Second Appeal. The Registry is directed to carry out the necessary amendment in the cause title.

4. Issue notice to the newly added respondents through court returnable by 08.07.2025. Private Notice is also permitted.

5. Post the matter on 08.07.2025.

30.04.2025

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C.M.P.Nos. 11173, 11175 & 11176 of 2025
in
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**30.04.2025
(1/3)**