



WEB COPY



C.M.P. Nos.17727, 17726 & 17725 of 2023
in S.A.No.179 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

**CMP No. 17727 of 2023,
CMP NO. 17726 OF 2023, CMP NO. 17725 OF 2023,
CMP NO. 5122 OF 2023 in
SA NO. 179 OF 2023,**

Palanisamy

Appellant(s)

Vs

Ravichandiran
and 6 others

Respondent(s)

PRAYER

To condone the delay of 41 days in seeking to set aside the abatement caused due to the death of the 3rd respondent kalaiselvan in SA.No.179 of 2023.

For Appellant(s): Mr. Loganathan for
M/S. PV LAW ASSOCIATES

For Respondent(s): Mr.D.Akaash for
Mr. N.Manokaran

ORDER

These Civil Miscellaneous Petitions have been filed seeking to condone the delay of 41 days in filing the petition to set aside the



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abatement, to set aside the abatement caused due to the death of 3rd respondent, and to bring on record the proposed respondents 4 to 7 herein as legal representatives of deceased 3rd respondent.

2. Mr.Loganathan, learned counsel for petitioners/appellants submitted that pending appeal, 3rd respondent died on 23.01.2023. He would submit that the proposed respondents 4 to 7 are his wife, daughter and sons herein. He would submit that the petitioner came to know about his death belatedly and it is not due to any willful negligence on his part. However, the delay of 41 days arose and the delay is neither willful nor wanton. Hence, he has filed the above petitions.

3. Mr. D.Akash, learned counsel for legal heirs of 3rd respondent appeared and undertake to file vakalat for the legal heirs. He would also submit that sufficient reason was not stated for the delay.

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 3rd respondent are impleaded as respondents 4 to 7 in the above Second Appeal. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 19.03.2025.

03.03.2025

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T.V.THAMILSELVI, J.

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