

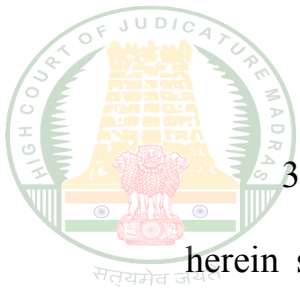
**C.M.P. Nos. 21642, 21645 & 21646 of 2025, 836 and 839 of 2023**  
**in**  
**S.A. No.714 of 2019**

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**K. RAJASEKAR, J.**

The Civil Miscellaneous Petitions have been filed by the petitioners to condone the delay of 899 days in seeking to set aside the abatement on account of death of the second appellant/ A.Krishnamoorthy in the above S.A.No.714 of 2019; to set aside the abatement caused due to the death of the second appellant/ A.Krishnamoorthy and to bring on record the petitioners herein as the legal heirs of the deceased second appellant/ A.Krishnamoorthy in S.A.No.714 of 2019, by ranking them as the appellants 3 to 5 in the said second appeal.

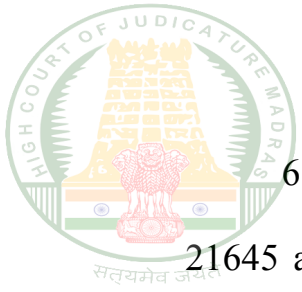
2. The learned counsel appearing for the respondent brought to the notice of this Court that the civil miscellaneous petitions in C.M.P.Nos.836 and 839 of 2023 have been earlier filed by the petitioners seeking for the same prayer as prayed in C.M.P.Nos.21645 and 21646 of 2025. The learned counsel for the respondent also raised no objections for impleading the legal heirs of the deceased second appellant/ A.Krishnamoorthy in S.A.No.714 of 2019.



3. In reply, the learned counsel appearing for the appellants/ petitioners herein submitted that due to oversight and without noticing the filing of the earlier petitions in C.M.P.Nos.836 and 839 of 2023, subsequent applications seeking same prayer has been filed.

4. Heard the learned counsel on both sides, perused the materials on record.

5. Having accepted the reasons stated in the affidavit, filed in support of the condone delay petition, the aforesaid delay of 899 days in seeking to set aside the abatement on account of death of the second appellant/ A.Krishnamoorthy in S.A.No.714 of 2019 is condoned. Consequently, the petitions filed for setting aside the abatement caused due to the death of the second appellant/ A.Krishnamoorthy and to bring on record the legal heirs of the deceased second appellant/ A.Krishnamoorthy in S.A.No.714 of 2019, by ranking them as the appellants 3 to 5 in the said second appeal are also allowed. Consequently, the civil miscellaneous petitions in C.M.P.Nos.836 and 839 of 2023 are dismissed.



6. Accordingly, the Civil Miscellaneous Petitions in C.M.P.Nos.21642, 21645 and 21646 of 2025 are allowed and the civil miscellaneous petitions in C.M.P.Nos.836 and 839 of 2023 are dismissed. Registry is directed to carry out necessary amendment in the cause title.

7. List the main second appeal in S.A.No.714 of 2019 after two weeks.

**04-09-2025**

stn

**K. RAJASEKAR, J.,**



C.M.P.Nos.21642, 21645 & 21646 of 2025, 836 and 839 of 2023 in S.A.No.714



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