



C.M.P.Nos.18705, 18708 & 18710 of 2025 in S.A.No.736 of 2021

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in
S.A.No.736 of 2021

K. RAJASEKAR, J.

These Civil Miscellaneous Petitions have been filed by the appellant to condone the delay of 1656 days in filing the Petition to set aside the abatement caused due to the death of the deceased third respondent viz., Vanitha Fernandez in S.A.No.736 of 2021; to set aside the abatement caused due to the death of the deceased third respondent viz., Vanitha Fernandez and to bring on record the proposed respondents 7 to 9 as the legal representatives of the deceased third respondent viz., Vanitha Fernandez and rank them as respondents 8 to 10 in the above S.A.No.736 of 2021.

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

3. Mr.P.Muthukumarasamy, learned counsel takes notice for the proposed respondents 7 to 9 in the condone delay petition in C.M.P.No.18708/2025.

4. The learned counsel for the petitioner submits that the third respondent in the Second Appeal namely Vanitha Fernandez was died and his legal representatives has to be impleaded since they were not aware about the death of the third respondent earlier and they came to know the same only belatedly and immediately, they have come forward with filing the petitions to set aside the abatement and to bring on record the legal representatives of the deceased third respondent, however, there is a delay.



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5. Having satisfied the reasons stated in the affidavit filed in support of the condone delay petition, the aforesaid delay of 1656 days in filing the the Petition to set aside the abatement caused due to the death of the deceased third respondent viz., Vanitha Fernandez in S.A.No.736 of 2021 is condoned. Consequently, the petitions filed for setting aside the abatement caused due to the death of the deceased third respondent viz., Vanitha Fernandez and to bring on record the proposed respondents 7 to 9 as the legal representatives of the deceased third respondent viz., Vanitha Fernandez and rank them as respondents 8 to 10 in the above S.A.No.736 of 2021 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 on 25.09.2025.

11.09.2025
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04.09.2025
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