



C.M.P. Nos.3310, 3311 & 3312 of 2025
in S.A.No.1251 of 2007

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C.M.P.Nos.3310, 3311 & 3312 of 2025

in
S.A. No. 1251 of 2007

T.V. THAMILSELVI, J.

These Civil Miscellaneous Petitions have been filed seeking to condone the delay of 4096 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of sole respondent, and to bring on record the proposed respondents 1 to 4 herein as legal representatives of deceased sole respondent.

2. Mr.P.Mani, learned counsel for petitioner/appellant submitted that pending appeal, sole respondent died on 07.05.2013. He would submit that the petitioner came to know about his death only on receipt of information from his counsel on record and thereafter, he had applied for death certificate of respondent and obtained the same during the last week of November 2024 only and forwarded the same along with necessary particulars. However, the delay of 4096 days arose, which is not due to any willful negligence on his part and the delay is neither willful nor wanton. Hence, he has filed the above petitions.

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 sole respondent are impleaded as



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respondents 1 to 4 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 04.07.2025. Private Notice is also permitted.

07.04.2025

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**07.04.2025
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