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C.M.P.(MD)Nos.8439, 8443 & 8447 of 2025
in
A.S(MD)No.18 of 2012

C.V.KARTHIKEYAN, J.
and
R.VIJAYAKUMAR, J.

(Order of the Court was made by **C.V.KARTHIKEYAN, J.**)

These three applications have been filed to condone the delay of 1398 days in filing the petition to set aside the abatement caused due to the death of the sole appellant, to set aside the abatement and to bring on record the petitioners are legal representatives of the sole appellant in the appeal suit.

2. In the affidavit filed in support of the petitions it had been contended that the deceased appellant had filed the suit seeking partition and separate possession of 1/3rd share in the suit schedule property. Preliminary decree had been passed on 02.09.1996. It had been stated that subsequently, the parties have arrived at an arrangement superseding the terms of the preliminary decree. The appellant had filed I.A.No.413 of 2005 seeking to alter the preliminary decree, but that application has been dismissed by an order dated 14.07.2011. Questioning the order, the appeal suit had been filed.



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3. It has been stated that, in the meanwhile, the appellant had died necessitating to bring on record the legal representatives. Taking all factors into consideration, the delay is condoned and the applications are allowed.

4. Registry is directed to carry out the amendment in the appeal indicating the death of the sole appellant and bringing on record as his legal representatives as appellants 2,3 & 4.

5. List the matter again on 14.10.2025.

[C.V.K., J.]

[R.V., J.]

22.09.2025

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(1/2)



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C.M.P(MD)No.15693 of 15695 of
2025
in
A.S.No.18 of 2012

C.V.KARTHIKEYAN, J.
and
R.VIJAYAKUMAR, J.

Issue notice to the
proposed respondents through
Court and privately returnable
by 14.10.2025.

[C.V.K., J.] [R.V., J.]

22.09.2025

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