



C.M.P.Nos.6170, 6172 & 6174 of 2023

in

A.S.No.660 of 2016

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N.SATHISH KUMAR., J.

and

R.SAKTHIVEL., J.

(Order of the Court was made by **N.SATHISH KUMAR.J.,**)

These applications have been filed to condone the delay of 1459 days in filing the petition to set aside the abatement caused due to the death of the first respondent/ first plaintiff, namely, Indira; to bring on record the legal representatives of the deceased first respondent/first plaintiff, viz., P.Subramaniam, D.Hemalatha, U.Sundari, Sujatha R.Ramesh, S.Rathivel as respondents 10 to 14 in the above Appeal Suit; and to set aside the abatement caused due to the death of the first respondent/first plaintiff.

2. Though the delay appears to be huge, the fact remains that the partition suit has been contested by the defendants claiming entitlement to the property based on a Will. Therefore, the issue has to be decided on merits.

3. The learned counsel appearing for the respondents would submit that they will argue the appeal on merits.

4. Mrs.Anitha Arunkumar, learned counsel appearing for the respondents 10, 11, 12 and 14, undertakes to file vakalat for respondent no. 13.



**N.SATHISH KUMAR J.
AND
R.SAKTHIVEL J.**

mrp

5. Considering the submissions made on either side and being satisfied with the reasons stated in the affidavit filed in support of these petitions, this court is of the view that unless the legal heirs are brought on record, substantial rights of the parties to advance the arguments on merits will be affected and hence, the delay is condoned and all the Civil Miscellaneous Petitions are allowed.

6. Registry is directed to carry out necessary amendment in the Appeal Suit and **list the A.S. on 27.01.2026 for arguments.**

7. If the records had already been sent to the Lower Court, the same shall be placed before this Court within a period of one week.

**[N.S.K.,J.] [R.S.V.,J.]
06.01.2026**

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