



C.M.P.Nos.1811, 1813 & 1817 of 2026
in
OSA No.180 of 2019

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C.V.KARTHIKEYAN, J.
and
K.KUMARESH BABU, J.

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

These three applications have been filed to condone the delay of 169 days in filing petition to set aside the abatement, to set aside the abatement and bring on record one further legal representative of the deceased first and second respondents herein. But however, it is seen from the records that the sixth respondent, who is already on record had filed an application to implead himself as a further party to the suit claiming right and title on the basis of a settlement deed executed in his favour with respect to the suit property. That was ordered. It is thus seen that the sixth respondent is now participating in the lis under Order 22 Rule 10 CPC as a subsequent assignee having interest over the property and not only as a legal representative of the deceased first and second respondents.

2.In view of that particular fact, we hold that impleading the present respondent would not give any advantage to the petitioners. We however make it clear that the issue of non joinder cannot be agitated by arguing the appeal.



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3.In view of that particular fact, since the sixth respondent is already a party to the appeal and is a contesting party to the appeal, these three applications are dismissed as being superfluous in nature.

4.List the OSA for advancing arguments on 10.02.2026.

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(C.V.K.J.,) (K.B.J.,)
29.01.2026

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