



C.M.P.Nos. 15973, 15977 & 15979 of 2025
in
A.S.No.111 of 2020

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2025

CORAM

THE HONOURABLE MR.JUSTICE R. SAKTHIVEL

C.M.P.Nos. 15973, 15977 & 15979 of 2025

IN

A.S.No.111 of 2020

Elumalai
S/o.Manicka Naicker
Old No. 2/44, New No. 3/31,
Mayilai Village, Via Karumbakkam
Chengalpattu Taluk.

Petitioner
[in all three CMPs]

Vs

1. Ranganayaki
W/o.late.Kanniyappa Naicker
2. Dass
S/o.late.Kanniyappa Naicker
3. Anbu
S/o.late.Kanniyappa Naicker

[Respondents 1, 2 and 3 are residing at
Mandaiveli Amman Koil Street, Mayilai,
Via Karumpakkam, Chengalpattu Taluk].



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4. Radha
W/o. Manickam
Sirungundram Village and Post
Via S.P.Koil, Chengalpattu Taluk

...Respondents

5. A.Balakrishnan

6. Vijaya

W/o.Shankar

7. S.Tamilselvan

S/o.Shankar

8. Logeswari

D/o.Shankar

9. Gopi Kannan

S/o.Shankar

10. Jagan

S/o.Devendiran

[Respondents 5 to 10 are residing
at No. 2/27, Palla Street,
Anumanthai Village,
Chengalpattu-603 002].

...Respondents/

Proposed respondents 5 to 10
[in all three CMPs]

Prayers:

(i) CMP.No.15973 of 2025: filed under Section 5 of the Limitation Act, praying to condone the delay of 297 days in filing this petition to set aside the abatement on account of demise of 4th respondent.

(ii) CMP.No. 15977 of 2025: filed under Order XXII Rule 9 (2) of the Code



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of Civil Procedure, 1908 praying to set aside the abatement in respect of demise of 4th respondent.

(iii) CMP.No. 15979 of 2025: filed under Order XXII Rule 4 of the Code of Civil Procedure, 1908 praying to bring on record the Respondent Nos. 5 to 10 herein as the legal heirs/legal representatives of the deceased 4th respondent, namely, Ponniammal in the above appeal.

In all three CMPs:

For Petitioner : Mr.S.Ramesh

For RR1 to 3 : Mr.Shaik Mohammed Yaser
For Mr.M.Rajasekar

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COMMON ORDER

(i) Civil Miscellaneous Petition No. 15973 of 2025 has been filed seeking to condone the delay of 297 days in filing the petition to set aside the abatement caused due to the death of the fourth respondent, viz., Ponniammal, W/o.Adhimoolam, in A.S. 111 of 2020.



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(ii) Civil Miscellaneous Petition No. 15977 of 2025 has been filed seeking to set aside the abatement caused due to the death of the fourth respondent, viz., Ponniammal, in A.S.111 of 2020.

(iii) Civil Miscellaneous Petition No. 15979 of 2025 has been filed seeking to bring on record the Respondent Nos.5 to 10 herein, as the legal heirs/legal representatives of the deceased fourth respondent, namely, Ponniammal, in A.S.111 of 2020.

2. There are no serious objections on behalf of the Respondent Nos. 1 to 3.

3. Having considered the submissions made by the learned Counsel for the petitioners and having considered the petitioners' affidavits in support of these petitions, it is appropriate to allow these Civil Miscellaneous Petitions.



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4. In the result, these Civil Miscellaneous Petitions are allowed.

08.07.2025

MSM

Note: Registry is directed to carry out necessary amendments in the above appeal pursuant to the aforesaid order and post the **appeal in A.S.No. 111 of 2020 on 08.08.2025** for final hearing.



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R. SAKTHIVEL, J.,

MSM

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