



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

**CMP Nos. 1325, 1330 and 1328 OF 2026
in SA NO. 1049 OF 1992**

In all C.M.P's.

1. K.Veeramuthu Naicker
S/o.Krishnappa Naicker,
Chinnasami Naicker(died),
Muthuvel (died),
Vaiyapuri Udayar (died),
Masilamani Ammal (died).

1st Petitioner / 1st Appellant

2. M.Muniammal
W/o.Late P.Muthuvel Udayar.

3. M.Ramalingam
S/o.Late P.Muthuvel Udayar

4. M.Veeramuthu
S/o.Late P.Muthuvel Udayar

5. M.Muthukumar
S/o.Late P.Muthuvel Udayar.

6. M.Muthukumar
S/o.Late P.Muthuvel Udayar.

7. M.Poomathi
D/o.Late P.Muthuvel Udayar.

8. Valarmathi
D/o.Late P.Muthuvel Udayar.

9. V.Pannerselvam
S/o.Late P.Vaiyapuril Udayar.

10. V.Ilaiyakannu
S/o.Late P.Vaiyapuri Udayar



11. Marimuthu
S/o.Narayanasamy Udayar

12. Pachamuthu
S/o.Narayanasamy Udayar
Petitioners 1 to 12 are residing at
Porasakurichi Village,
Kallkurichi Taluk,
Villupuram District.

Petitioners 2 to 12 / Appellants 2 to 17

13. C.Thamizharasi
W/o.Late Chinnaswami Naicker.

14. C.Dhanalakshmi
D/o.Late Chinnaswami Naicker.

15. C.Sivasankar
S/o.Late Chinnaswami Naicker.

16. C.Sriram
S/o.Late Chinnaswami Naicker,
Thirukanangur Village,
Sankarapuram Taluk,
Kallakurichi.

Petitioners 13 to 16 / Proposed
Appellants 18 to 21

17. D.Selvi
W/o.Late Durairaj.

18. D.Muthuraman
S/o.Late Durairaj.

19. D.Mutharasi
D/o.Late Durairaj,
Petitioners 17 to 19 are residing at
No.2 Middle Street, Porasakurichi
Village, Kallakurichi Taluk,
Kallakurichi District.

Petitioners 17 to 19 / Proposed
Appellants 22 to 24

Vs

1. Rangaraju Naidu (died)
2.D.Prema
W/o.Durairaj.



3.D.Murali
S/o.Durairaj,
Both are residing at D.No.20,
OldNo.130/B1, Kisaval Nagar,
Kallakurichi Taluk, Villupuram District
Now Residing at. Mugabinai Jewelry
Pawn Shop
“LTR” Building, Kallakurichi Taluk,
Kallakurichi District.

Respondent(s) /
Respondents 1 to 3

CMP No. 1325 of 2026

PRAYER: Civil Miscellaneous Petition filed under Section 5 of Limitation Act, 1963 praying to condone the delay of 1822 days in filing the petitioner to set aside abatement caused due to the death of the 2nd Appellant, namely Chinnaswami Naicker.

CMP No. 1330 of 2026

PRAYER: Civil Miscellaneous Petition filed under Order XXII Rule 3 of Code of Civil Procedure, 1908, praying to bring on record the petitioners 13 to 16 / proposed Appellants 18 to 21 herein as legal representatives of the deceased 2nd Appellant, Namely Chinnaswami Naicker and array them as Appellants 18 to 21 in the above Second Appeal.

CMP No. 1328 of 2026

PRAYER: Civil Miscellaneous Petition filed under Order XXII Rule 9(2) of Code of Civil Procedure, 1908 praying to set aside the abatement caused due to the death of the 2nd Appellant, namely Chinnaswami Naicker.

In all C.M.P's.

For Petitioner: Mr.Sathish Kumar
for Mr.P.Dinesh Kumar

For Respondent: Mr.P.Vijay
for R2 and R3



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COMMON ORDER

These Civil Miscellaneous Petitions are filed to condone the delay of 1822 days in setting aside the abatement caused due to the death of the second appellant, namely Chinnaswami Naicker, to set aside the abatement caused due to the death of the second appellant and to bring on record the petitioners 13 to 16 as appellants 18 to 21 as legal representatives of the deceased second appellant, in the above second appeal.

2. Mr.Sathish Kumar, representing Mr.P.Dinesh Kumar, learned Counsel on record for the petitioners in all the petitions and Mr.P.Vijay, learned Counsel for Respondent Nos.2 and 3, are before this Court.

3. Heard both sides.

4. This Court has perused the affidavit filed in support of these petitions.

5. It is stated that the second appellant namely Chinnaswami Naicker, passed away on August 27, 2020, leaving behind his wife – Thamizharasi, daughter – Dhanalakshmi and sons – Sivasankar and Sriram as his Legal heirs / Legal Representatives.



6. The reasons stated in the affidavit are satisfactory. Hence, these Civil

Miscellaneous Petitions are allowed.

03-03-2026

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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Note: Registry is directed to carry out necessary amendments in the Second Appeal.



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CMP Nos. 1325, 1330 & 1328 of 202



R.SAKTHIVEL J.

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CMP NO. 1330 OF 2026,
and CMP NO. 1328 OF
2026, in SA NO. 1049 OF
1992**

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