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C.M.P.Nos.3442, 3441, 3446 & 3447 of 2023 in  
O.S.A.No.11 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2026

Coram:

**THE HONOURABLE MR. JUSTICE P.VELMURUGAN**  
**and**  
**THE HONOURABLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI**

**C.M.P.Nos.3442, 3441, 3446 & 3447 of 2023 in**  
**O.S.A.No.11 of 2018**

1. Ashokan (died)
2. Arul Anbarasu
3. A.Hemalatha
4. A.Oviya
5. A.Kaviya
6. A.Elakiya
7. A.Sirpy

... Petitioners 3 to 7  
/proposed appellants

(Appeal against 2<sup>nd</sup> appellant was dismissed as  
not pressed as per Order dated 04.01.2023)

**Vs.**

1. Sumathy Anbarasu
2. The Sub Registrar,  
Kundrathur Sub Registrar Office,  
Kundrathur, Chennai – 600 069.
3. The Joint Sub Registrar – 1,  
District Registrar's Office, Teynampet,  
No.182, Bharathi Salai, (Pycrafts Road),  
Royapettah, Chennai – 600 069.

... Respondents



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C.M.P.Nos.3442, 3441, 3446 & 344. 01.08.2022  
O.S.A.No.11 of 2018

For Petitioners : Mr.N.K.Sushruthan for 3 to 7

For Respondents : Mr.L.Muralikrishnan for R1  
Mr.M.Hemanth Kumar,  
Govt. Counsel for R2 & R3

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### **ORDER**

(Order of the Court was made by P.VELMURUGAN, J.)

The miscellaneous petition in C.M.P.No.3442 of 2023 in O.S.A.No.11 of 2018 has been filed seeking to condone the delay of 1493 days in filing the application to set aside the abatement caused due to the death of the deceased appellant in the above appeal.

**2** The appeal is of the year 2018 and the same is pending without any progress. By an order dated 01.08.2022, this appeal against the first appellant has been dismissed as abated and vide order dated 04.01.2023 the appeal against second appellant also dismissed as not pressed based on the endorsement made by the learned counsel on record for the second appellant.

**3** Now the petitioners have come up with this miscellaneous petition seeking condonation of inordinate delay of 1493 days in setting aside the abatement caused due



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to the death of the deceased appellant. While presenting an application seeking condonation of the delay, it is the primary duty of the applicants to explain the delay with sufficient cause and reasons.

**4** In the present case, the reasons stated in the affidavit are not satisfied and the inordinate delay of 1493 days has not been properly explained. Hence we are not inclined to condone the delay.

**5** Accordingly the Civil Miscellaneous Petition in C.M.P.No.3442 of 2023 stands dismissed. Further C.M.P.Nos.3441, 3446 & 3447, which are consequential in nature, are also dismissed.

**[PVJ] [KGTJ]**  
**06.07.2026**  
(2/2)

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O.S.A.No.11 of 2018

**P.VELMURUGAN. J.**  
**and**  
**K.GOVINDARAJAN THILAKAVADI, J.**

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