



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CMP No. 2489 of 2026

AND

CMP NO. 2494 OF 2026,CMP NO. 2491 OF 2026,SA NO. 348 OF 2014

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In all CMPs.

Palaniappan

S/o.perumal Gounder,

D.NO.1/116, Olapattianoor,

Chinnagoundanoor Village,

Sankari Tk,

Salem Dist.

..Petitioner/Appellant

Vs

1. Venkatesh

S/o.Raja Gounder,

Olapattianoor,

Chinnagoundanoor Village,

Sankari Tk,

Salem Dist.

2. Pavayee

(Died)

3. Pavayee

W/o.Raja Gounder,

Olapattianoor,

Chinnagoundanoor Village,

Sankari Tk,

Salem Dist.

4. Rajeswari

W/o.Thangavel,

Aranmanaiyankadu,

Vettuva Theru,

Konganapuram Road,

Akkammapettai Post,

Iveli Village, Sankari Tk,



Salem Dist.

5. Selvi

W/o.K.palanisamy,
Palamettankadu,
Bhavani Main Road,
Nagichettipatti Post,
Sankari Tk,
Salem Dist.

6. Kandasamy
(Died)

7. Kuppanna Gounder
S/o.Kuppanna Gounder,
Edayankadu,
Rayalur,
Chinnagoundanoor Village and Post,
Sankari Tk,
Salem Dist.

8. Palaniammal
W/o.Kalianna gounder
Thondikaradu,
Tiruchengode Town and Tk,
Namakkal dist.

9. Sundaram
S/o.Kalianna Gounder, Thondikaradu,
Tiruchengode Town and Tk,
Namakkal dist.

10.Natarajan
S/o.Kalianna Gounder,
Thondikaradu,
Tiruchengode Town and Tk,
Namakkal dist.

11.The Tahsildar
Sankari,
Sankari Town,
Taluk Office,
Sankari Town and Tk,



Salem Dist.

12.Kunjammal
W/o.Veerappan,
Olapattiyanur,
Nagichettypatty Post,
Sankari Tk,
Salem Dist.

13.Palaniappan
S/o.Kandappa gounder,
No.6/26, Sunnabusoolai,
Varadankattanoor Gounder,
Sankari Tk,
Salem Dist.

.... Respondents 1 to 13/ Respondents 1 to 13

14.Pavayee
W/o.Kandasamy,
Edayankadu,
Rayalur,
Chinnagoundanoor Village and Post,
Sankari Tk,
Salem Dist 637 303

15.Kandhayee
D/o.Kandasamy,
Pappankadu,
Rayalu,
Chinnagoundanoor Village and Post,
Sankari Tk, Salem Dist 637 303

16.Raja Manickam alias Raja Gounder
S/o.Kandasamy,
Edayankadu,
Rayalur,
Chinnagoundanoor Village and Post,
Sankari Tk,
Salem Dist 637 303

..... Respondents 14 to 16/ Respondents 14 to 16



CMP No. 2489 of 2026

Prayer: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, 1963 praying to condone the delay of 2221 in seeking to set aside the abatement caused due to the death of the 6th Respondent Kandasamy in SA.No. 348/2014 and thus render justice.

CMP No. 2494 of 2026

Prayer: Civil Miscellaneous Petition filed under Order XXII Rule 4 of the Code of Civil Procedure, 1908 praying to bring the Respondents 14 to 16 herein on record as the legal representatives of the deceased 6th Respondent Kandasamy in the above Second Appeal and rank them as Respondents 14 to 16 respectively in SA.No. 348/2014.

CMP No. 2491 of 2026

Prayer: Civil Miscellaneous Petition filed under Order XXII Rule 9(2) of the Code of Civil Procedure, 1908 praying to set aside the abatement caused due to the death of the 6th Respondent Kandasamy in SA.No. 348/2014 and thus render justice.

For Petitioner: Mr.R.Arulmozhi Devan for
Mr.S.M.S.Shriram Narayanan

For Respondents 3 to 5: Mr. D. Keerthirajan, for
Mr. N. Manokaran.

ORDER

Mr.R.Arulmozhi Devan, representing Mr.S.M.S.Shriram Narayanan , Counsel on Record for the Petitioner and Mr. D. Keerthirajan, learned counsel representing Mr. N. Manokaran, counsel on record for Respondents Nos. 3 to 5, is present before this Court.

2. The Civil Miscellaneous Petition in CMP No. 2489 of 2026 has



been filed seeking condonation of the delay of 2,221 days in filing the petition to set aside the abatement caused by the death of the 6th respondent.

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3. The Civil Miscellaneous Petitions in CMP Nos. 2491 and 2494 of 2026 have been filed seeking to set aside the abatement and to bring on record the legal heirs/legal representatives of the deceased 6th respondent viz proposed Respondents Nos. 14 to 16.

4. Heard the learned counsel appearing on either side.

5. This Court has perused the affidavits filed in support of the petitions as well as the records of the case. In the affidavits, it is stated that the 6th respondent passed away on July 29, 2019, leaving behind the proposed Respondents Nos. 14 to 16 as his legal heirs/legal representatives.

6. The Second Appeal was admitted on March 28, 2014 and, thereafter, it was listed only on 16.09.2025 i.e., after a lapse of about 11 years. It is a settled principle of law that *Actus Curiae Neminem Gravabit* (an act of the Court shall prejudice no one). No party should suffer on account of any act or omission of the Court. The present petitions deserve to be considered in the light of the aforesaid principle.

7. Considering the facts and circumstances of the case, particularly the long pendency of the appeal, this Court is inclined to allow these petitions. Accordingly, these Civil Miscellaneous Petitions are allowed.

03.06.2026

jrs



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R.SAKTHIVEL, J.

jrs

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,CMP NO. 2491 OF 2026,SA NO. 348 OF 2014**

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