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CMP Nos. 2425, 2427 & 2428 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CMP Nos. 2425, 2427 & 2428 of 2026

in

S.A.No.673 of 2015

1. Muniammal (Died)
2. Tmt.Pachaiammal
D/o. Late. Muniammal
W/o.Natarajan
Molasur Village
Tindivanam Taluk
Villupuram District.
3. Tmt.Pushpa
D/o. Late. Muniammal
W/o. Ramalingam
Molasur Village
Tindivanam Taluk
Villupuram District

..Appellants/Proposed
Appellants(s)

Vs

1. Perumal Udayar
S/o. Subburayan
Aasoor Village



Tindivanam Taluk
Villupuram District

2. Venkatesan

S/o. Pavadai Udayar
Aasoor Village
Tindivanam Taluk
Villupuram District

3. Srinivasan

S/o. Pavadai Udayar
Aasoor Village
Tindivanam Taluk
Villupuram District

4. Natarajan

S/o. Pavadai Udayar
Aasoor Village
Tindivanam Taluk
Villupuram District

5. Govindan

S/o. Pavadai Udayar
Aasoor Village
Tindivanam Taluk
Villupuram District

6. Muniammal

W/o. Pavadai Udayar
Aasoor Village



Tindivanam Taluk
Villupuram District

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7. Sumathi

D/o. Pavadai Udayar
Aasoor Village
Tindivanam Taluk
Villupuram District

8. Kamatchi

D/o. Pavadai Udayar
Aasoor Village
Tindivanam Taluk
Villupuram District

..Respondent(s)

Prayer in C.M.P.No.2425 of 2026: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, praying to Condone the delay of 47 days in filing the petition to set aside abatement caused due to the death of the Sole Appellant viz., Muniammal in the above SA 637 / 2015.

Prayer in C.M.P.No.2427 of 2026: Civil Miscellaneous Petition filed under Order 22 Rule 9(2) of C.P.C., praying to set aside abatement caused due to the death of the Sole Appellant viz., Muniammal in the above SA 637 / 2015.

Prayer in C.M.P.No.2428 of 2026: Civil Miscellaneous Petition filed under Order 22 Rule 3 of C.P.C., praying to bring on record the following persons viz., Pachaiammal, Pushpa, molasur Village, Gingee Taluk, Villupuram District



as the legal representatives of the deceased Sole Appellant viz., Muniammal in the above SA 637 / 2015.

For Petitioners(s): Mr.T.Dhanasekaran
(in all C.M.Ps)

COMMON ORDER

These Civil Miscellaneous Petitions have been filed

(i) to Condone the delay of 47 days in filing the petition to set aside abatement caused due to the death of the Sole Appellant viz., Muniammal in the above Second Appeal;

(ii) To set aside abatement caused due to the death of the Sole Appellant viz., Muniammal in the above Second Appeal and

(iii) To bring on record the following persons viz., Pachaiaimmal, Pushpa, molasur Village, Gingee Taluk, Villupuram District as the legal representatives of the deceased Sole Appellant viz., Muniammal in the above Second Appeal.

2. The civil miscellaneous petitions have been filed by the daughters of the deceased sole appellant, who are the Legal Heirs and in support of their application, they have also placed on record the Death Certificate of the sole appellant and also the Death Certificate of the husband of the sole appellant, which indicates that the present proposed appellants are the only daughters of the deceased sole appellants.



3. Considering the averments made in the affidavit filed in support of these petitions and having been satisfied with the reasons stated therein, the delay of 47 days in filing the petition to set aside abatement caused due to the death of the sole appellant stands condoned and CMP.No.2425 of 2026 in S.A.No.673 of 2015 stands allowed; The abatement caused due to the death of the sole appellant is set aside and C.M.P.No.2427 of 2026 in S.A.No.673 of 2015 is ordered; The following persons viz., (1)Pachaiammal, (2) Pushpa, Molasur Village, Gingee Taluk, Villupuram District are brought on record as the Legal Representatives of the deceased Sole Appellant and rank them as appellants 2 and 3 in the above Second Appeal and accordingly, CMP.No.2428 of 2026 in S.A.No.673 of 2015 stands allowed. No costs.

30-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note: Registry is directed to carry out the necessary amendments in the cause title and list the second appeal after two weeks.

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To

1. Perumal Udayar
S/o. Subburayan
Aasoor Village
Tindivanam Taluk
Villupuram District
2. Venkatesan
S/o. Pavadai Udayar
Aasoor Village
Tindivanam Taluk
Villupuram District
3. Srinivasan
S/o. Pavadai Udayar
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K.KUMARESH BABU, J.

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