



WEB COPY

CMP No. 17402 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

CMP No. 17402 of 2019 in

S.A.No.1593 of 1999

1. Saroja Ammal

W/o. Kandasamy Padayachi, 6, Main Road,
Krishnankuppam, Cuddalore 607301.

2. S.Suseela

D/o. Kandasamy Padayachi, W/o Settu, Main
Road, Ramnathakuppam, Kurinchipadi,
Cuddalore.

3. Vijaya

D/o. Kandasamy Padayachi, West St,
Samuttikuppam Po, Kurinchipadi Tk

4. Kala

D/o. Kandasamy Padayachi, W/o.
Sivasubramanian, Main Road, Nellithoppu,
Sathipattu Panruti, Cuddalore Dist

5. Kanthavelu @k.Balamurugan

S/o. Kandasamy, 6 Main St, Krishnankuppam,
Cuddalore Dist

..Appellant(s)

Vs



1. Shanmuga Padayachi

(died)

2. Dhanalakshmiammal

Died.

3. Palanisamy Padayachi

S/o. Saminatha Padayachi, Kattiankuppam
Hamlet Of Krishnankuppam, Cuddalore.

4. Palaniammal

D/o. Late Dhanalakshmi Ammal, W/o.
Sudamani, Main Road, Katampulliyur,
Panruti, Cuddalore.

5. Rani

D/o. Late Dhanalakshmi Ammal, W/o.
Pakkirisamy (vao Retired),
Muthukrishnapuram, Boovanagiri,
Chidambaram, Cuddalore Dist.

6. Malarkodi

D/o. Late Dhanalakshmi Ammal, W/o.
Subramanian (dfo Retried), East St,
Keelkuppam, Muthandikuppam Po, Neyveli
Tk, Cuddalore Dist. 4 To 6 Are Lrs Deceased
2nd Respondent.

7. Subramanian

S/o. Shanmugam, Nadu St,
Chinnathnankuppam, Vazhuthalampattu Po,
Kurinchipadi Tk, Cuddalore.



8. Anbalagan

S/o. Shanmugam, Nadu St,
Chinnathnankuppam, Vazhuthalampattu Po,
Kurinchipadi Tk, Cuddalore. 7 And 8 Are The
Lrs Of 1st Respondent.

..Respondent(s)

PRAYER : To Condone the delay of 5594 days for filing set aside the abatement caused due to death of the 1st respondent in the above SA No.1593/1999.

For Appellant(s):

M/s.V.Neethidurai

P.l. Narayanan

S.aathirai

For Respondent(s):

Cmp. 17404, 17409, 17410/2019

M/s.S. Kingston Jerold

Rheena Jerold For Rr7 And 8 Dt.09/12/2025

Vakalat Filed In Sa

R-4 Palaniammal D/o. Late Dhanalakshmi Ammal,

W/o. Sudamani, Main Road, Katampulliyur,

Panruti, Cuddalore.

R-5 Rani D/o. Late Dhanalakshmi Ammal, W/o.

Pakkirisamy (vao Retired), Muthukrishnapuram,

Boovanagiri, Chidambaram, Cuddalore Dist.

R6- No Such Address

R-7 Subramanian S/o. Shanmugam, Nadu St,

Chinnathnankuppam, Vazhuthalampattu Po,



Kurinchipadi Tk, Cuddalore.

R-8 Anbalagan S/o. Shanmugam, Nadu St,
Chinnathnankuppam, Vazhuthalampattu Po,
Kurinchipadi Tk, Cuddalore. 7 And 8 Are The Lrs
Of 1st Respondent.

Pvt. Notice

Rr4,5,7,8 - Item Delivered On 18/11/2025

Rr6- No Such Person

(Rr6 To 8 - Vide Tracking Sheet Filed)

ORDER

This Civil Miscellaneous Petition is filed to Condone the delay of 5594 days for filing a petition to set aside the abatement caused due to death of the 1st respondent in the above S.A.No.1593 of 1999.

2. The reason stated by the first appellant for the delay in filing this Petition is that the first appellant was not in a position to follow up the instructions that she had given to the erstwhile counsel. She further pleads that she is an illiterate person and only on her son, viz., the fifth appellant, informed her about the procedure, she came to know about the same.



3. Taking into consideration that the Second Appeal has been pending from the year 1999, I am inclined to condone the delay and accordingly, this Civil Miscellaneous Petition is allowed. However, the petitioners / appellants should be put on terms for the enormous delay and they should pay a sum of Rs.5594/- to the learned counsel for the contesting respondents by two weeks.

4. List the matter after two weeks to report the payment of cost. In case, the cost is not paid, this Petition stands dismissed without further reference to this Court.

GSK

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V.LAKSHMINARAYANAN, J.

GSK

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S.A.No.1593 of 1999**

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