



WEB COPY

CMP No. 18969 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMP Nos. 18969, 18970 and 18971 of 2026

in

AS No. 231 of 2021

D.Soundara Pandian Nadar
S/o.G.Duraisamy Nadar,

..Petitioner
in all applications

Vs

1. R.J.N.Fazular Rahman
S/o. Jamal Nazeem,
2. Kathija Younoos
W/o. G.Mohamed Younoon,
3. J.N.Thahseen Fathima
W/o. Mohamed Rafeek,

Late. M.Jesuraj,
4. K.Arumugam
S/o. Kuppusamy,
5. A.K.Gulam Mohamed
S/o. A.Khader Gilani,
6. K.Parthiban
(Deceased)
7. Rajeswari
W/o. K.Parthiban,
8. Sub Registrar



Redhills,
Chennai 600 052.

9. Arokiyamary
W/o. Late. M.Jesuraj.

10. Hansi Mary
D/o. Late. M.Jesuraj.

11. Suno Mary
D/o. Late M.Jesuraj.

... Respondents
in all applications

12. K. Sundarammal
W/o. Late Kandasamy,

13. P. Vikkey
S/o. Late K. Parthiban,

14. P. Nithin
S/o. Late K. Parthiban,

... Proposed
Respondents
in all applications

C.M.P No. 18969 of 2026 : Petition filed under Section 5 of Limitation Act to Condone the delay of 913 days in filing the application to set aside the abatement of the above appeal as against the deceased 6th Respondent and thus render justice.

C.M.P.No.18970 of 2026 : Petition filed under Order XXII Rule 9(2) of CPC to set aside the abatement of the above appeal as against the deceased 6th respondent.

C.M.P.No.18971 of 2026 : Petition filed under Order XXII Rule 4 of CPC to permit the petitioner/appellant to bring the legal representatives of the deceased late Mr.K.Parthiban, 6th respondent, namely K.Sundarammal, Vikkey P and Nithin P on record as proposed respondents 12 to 14.



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For Petitioner:
in all petitions

Mr.S.Ranjith Kumar

For Respondent(s):
In all petitions

Mr.S.Veeraraghavan for R4
Mr.K.Balu for R6 and R7
Mr.V.Prasad
Government Pleader for R8

COMMON ORDER

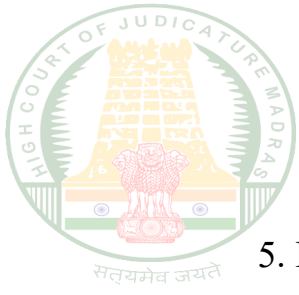
(Order of the Court was made by N.Sathish Kumar J.)

These three applications have been filed to condone the delay in filing the petition to set aside abatement caused due to the death of 6th respondent, to set abatement and to bring on record the legal heirs of 6th respondent.

2. Heard the learned counsel for the petitioner.

3. The learned counsel for the petitioner submitted that the sixth respondent died on 17.08.2023, but the death was intimated to the appellant only on 16.06.2026, due to which there was a delay in filing the above petitions. He would further submit that sixth respondent's wife Rajeswari is already on record as 7th respondent and C.M.P.No.18971 of 2026 has been filed to bring on record the other legal heirs of 6th respondent.

4. The learned counsel for respondents, who are before this Court, submit that they have no objection for allowing these petitions.



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5. In view of the above submissions, these petitions are allowed, the delay of 913 days in filing the application to set aside abatement is condoned, the abatement caused due to the death of the 6th respondent is set aside and the legal heirs of 6th respondent viz., K.Sundarammal, P.Vikkey and P.Nithin are brought on record as Respondents 12 to 14.

6. Registry is directed to carry out necessary and consequential amendments in the appeal and issue notice to newly added parties returnable by 12.08.2026. Private notice is also permitted.

7. List the appeal on 12.08.2026.

(N.S.K.,J.) (M.J.R.,J.)
22-07-2026

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**N.SATHISH KUMAR J.
AND
M.JOTHIRAMAN J.**

gpa

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