



WEB COPY

SA No. 834 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CMP Nos.1011, 1012 and 1014 of 2025

in

SA No. 834 of 2021

Gnanasekaran

S/o. Late Ponnusamy Gounder, Ottapalayam,
Thamburettipalayam Post, Ghanapathipalayam
Village, Kangayam Taluk

..Appellant(s)

Vs

1. Sivanmalai Gounder (died)

1. Gunasekaran, S/o. Sivanmalai Gounder,
Nallipalayam, Arasampalayam Post, Sivanmalai
Village, Kangayam Tk, Presently Near
Senniyappa Theatre, Valarmathimavu Mill
Street, Tiruppur Road, Kangayam Tk, Tiruppur
District

2. Maheswari

D/o.Sivanmalai Gounder, Olapalayam,
Vettaikarankovil Post, Gobichettipalayam Tk,
Erode District Muthusamy Gounder (died)



3. Palanisamy

S/o.Muthusamy, Bhavani Eswarankovil
Shopping Complex, Athani Road,
Sathyamangalam Tk, Erode Dist.

4. Jaganathan

S/o.Muthusamy, Bhavani Eswarankovil
Shopping Complex, Athani Road,
Sathyamangalam Tk, Erode Dist.

5. Sumathi

W/o.Arjunan, Ottapalayam,
Thambuchettipalayam Post, Ganapathi
Palayam Village, Kangayam Tk

6. Ponammal(died)

W/O.Late Ponnusamy Gounder, Ottichimedu,
Vaikkalmedu, Vilakkethi Post, Erode Dist.
Presently Nallipalayam, Arasampalayam Post,
Sivanmalai Village, Kangayam TK,
Tiruppur District.

R6 died, sole appellant and R7 already on
record are recorded as LRS of the deceased R6
memo recorded (USR No.39222)vide court
order dated 23/10/2024 made in sa no 834 of
2021(RSVJ)



7. Maragatham

W/o.Vijayakumar, Ottichimedu, Vaikkalmedu,
Vilakkethi Post, Erode District, Presently Nal
Road, Chickarasampalayam Via, Sivanmalai,
Tiruppur Road, Kangayam Tk

8. Balasubramaniyan

S/o.V.Muthusamy, Arasampalayam,
Sivanmalai Village, Kangayam Tk, Erode
Dist. Now Tiruppur Dist.

9. M.Palanisamy

S/o.V.Muthusamy, Arasampalayam Post,
Sivanmalai Village, Kangayam Tk, Tiruppur
District

10.Poovathal

W/o.Muthysamygounder, Nallipalayam,
Arasampalayam Post, Sivanmalai Village,
Kangayam Tk, Presently Bhavani
Eswarankovil Shopping Complex, Athani
Road, Sathyamangalam Tk, Erode District
Govindammal (died)

11.Arunachalam

S/o.Late Palanisamy Gounder, Ottapalayam,
Thambuchettipalayam Post, Ganapathipalayam
Village, Kangayam Tk



12. Periyasamy

S/o.Late Palanisamy Gounder, Ottapalayam,
Thambuchettipalayam Post, Ganapathipalayam
Village, Kangayam Tk

13. Shanmugam

S/o.Late Palanisamy Gounder, Ottapalayam,
Thambuchettipalayam Post, Ganapathipalayam
Village, Kangayam Tk

14. P. Sagadevan

S/o.Late Palanisamy Gounder, Ottapalayam,
Thambuchettipalayam Post, Ganapathipalayam
Village, Kangayam Tk

15. P. Arjunan

S/o.Late Palanisamy Gounder, Ottapalayam,
Thambuchettipalayam Post, Ganapathipalayam
Village, Kangayam Tk

16. Panneerselvam

S/o.Late Palanisamy Gounder, Ottapalayam,
Thambuchettipalayam Post, Ganapathipalayam
Village, Kangayam Tk



17.Krishnaveni

W/o. Palanisamy, Ottapalayam,
Thambuchettipalayam Post, Ganapathipalayam
Village, Kangayam Tk Presently Bhavani
Eswaran Kovil Shopping Complex, Athani
Road, Sathyamangalam Tk, Erode Dist.

..Respondent(s)

SA No. 834 of 2021

To set aside the Judgment and Decree dt. 21.11.2019 made in AS No.82/2017 on the file of the Subordinate Judge, Kangayam reversing the Judgment and preliminary Decree dt. 05.04.2016 made in OS No.331/2005 on the file of the District Munsif Court, Kangayam and allow the above SA

SA No. 834 of 2021

For Appellant(s): M/s A.Chandrasekaran
S.Kaarthick
B.Gokul Priyan

For Respondent(s): M/s.s.saravanan
P.navaneethakrishnan For Rr11 To 17
M/s.M.Guruprasad
C.Ramaraj-ms/2336/2016
S. Arun Prasath-ms/3761/2018
For RR8 And 9
R-2 Maheswari D/o.Sivanmalai Gounder,
Olapalayam, Vettaikarankovil Post,
Gobichettipalayam Tk, Erode District Muthusamy



Gounder (died)

R-3 Palanisamy S/o.Muthusamy, Bhavani
Eswarankovil Shopping Complex, Athani Road,
Sathyamangalam Tk, Erode Dist.

R-5 Sumathi W/o.Arjunan, Ottapalayam,
Thambuchettipalayam Post, Ganapathi Palayam
Village, Kangayam Tk

R6 - Died (steps Taken)

R4 - Died (steps Taken)

ORDER

(I) In C.M.P.No.1011 of 2025:

This petition has been filed to condone the delay of 817 days in filing the petition to set aside the abatement caused due to the death of the 4th respondent ie. Jaganathan in the S.A. No.834 of 2021.

2. There is no serious objections from the side of the respondent to allow the petition.

3. Being satisfied with the reasons stated in the affidavit filed in support of the petition and there is no serious objections from the side of the respondents in this regard, the petition in C.M.P. No.1011 of 2025 stands allowed.



(II) In C.M.P. No.1012 of 2025:

This petition has been filed to condone the delay of 817 days in filing the petition to set aside the abatement caused due to the death of the 4th respondent ie Jaganathan in S.A. No.834 of 2021.

2. There is no serious objections from the side of the respondent to allow the petition.

3. Being satisfied with the reasons stated in the affidavit filed in support of the petition and there is no serious objections from the side of the respondents in this regard, the petition in C.M.P. No.1012 of 2025 stands allowed.

(III) In C.M.P.No.1014 of 2025:

This petition has been filed to bring on record the respondents 16 to 19 herein as the legal representatives of the deceased 4th respondent ie Jaganathan in the S.A. No.834 of 2021 to array them as respondents 18 to 21 in the said second appeal.

2. There is no serious objections from the side of the respondent to allow the petition.



3. Being satisfied with the reasons stated in the affidavit filed in support of the petition and there is no serious objections from the side of the respondent in this regard, the petition in C.M.P. No.1014 of 2025 stands allowed.

4. Issue notice to the newly added parties in the Second Appeal returnable by 19.02.2026. Private Notice is also permitted.

5. Registry is directed to carry out the necessary amendments in the main case and post on 19.02.2026 for hearing.

30-01-2026

Index: Yes/No

Speaking/Non-speaking order

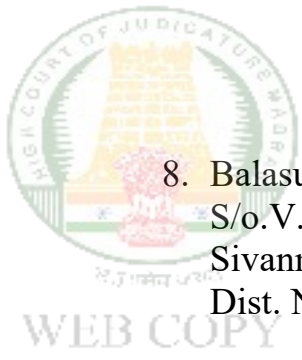
Neutral Citation: Yes/No

Lbm



To

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District
2. Maheswari
D/o.Sivanmalai Gounder, Olapalayam,
Vettaikarankovil Post, Gobichettipalayam Tk,
Erode District Muthusamy Gounder (died)
3. Palanisamy
S/o.Muthusamy, Bhavani Eswarankovil
Shopping Complex, Athani Road,
Sathyamangalam Tk, Erode Dist.
4. Jaganathan
S/o.Muthusamy, Bhavani Eswarankovil
Shopping Complex, Athani Road,
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S/o.Late Palanisamy Gounder, Ottapalayam,
Thambuchettipalayam Post, Ganapathipalayam
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