



WEB COPY

CMP No. 21871 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

**CMP No. 21871 of 2022, CMP NO. 21872 OF 2022,
CMP NO. 21873 OF 2022**

AND

AS NO. 130 OF 2013

1. Devaki
2. Dakshinamoorthy

..Petitioner(s)

Vs

1. Sasikala
2. Mogan(Died)
3. Revathi(Died)
4. Gopinath
Proprietor, Indian Oil Corporation Bunk,
Camp Road, Selaiyur,
(Near Bharath University) Tambaram.
5. S.Gayathri
6. S.Harishshankar
7. Shanmugham
8. Senthilvel

..Respondent(s)

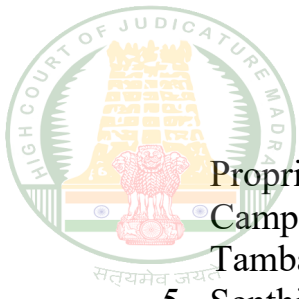
AS No. 130 of 2013

1. Devaki
2. Dakshinamoorthy

..Appellant(s)

Vs

1. Sasikala
2. Mogana
3. Revathi (died)
4. Gopinath



Proprietor, Indian Oil Corp Bunk,
Camp Rd, Selaiyur, Near Bharath University,
Tambaram.

5. Senthilvel

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*[R3 Died, R5 brought on record as LR of
deceased 3rd respondent viz., Revathi, Vide
Order Of Court Dated 01/03/2023 Made In
CMP.Nos.21843, 21844 and 21845 of 2022 in
AS.No.130 of 2013]*

..Respondent(s)

CMP No. 21871 of 2022

To condone the delay of 138 days in filing the application to set aside the abatement caused due to the death of the 2nd respondent/Mogana in the above appeal A.S.130/2013.

CMP No. 21872 of 2022

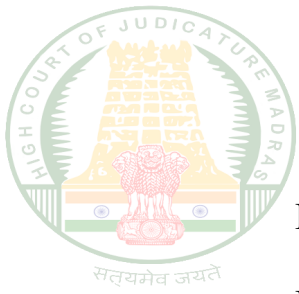
To set aside the abatement that caused due to the death of the 2nd respondent/Mogana in the above appeal A.S.No.130/2013.

CMP No. 21873 of 2022

To permit the petitioner to bring on record the proposed parties/ respondents 5 to 7 as Legal representatives of the deceased 2nd respondent/Mogana in the above appeal A.S.No.130/2013.

AS No. 130 of 2013

Appeal Suit filed under Section 96 of the Code of Civil Procedure against the judgment and decree passed by the I Additional District Judge, Cuddalore, in O.S.No.34 of 2011, dated 17.12.2012.



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For Petitioner(s):

Mr.D.Baskar

For Respondent(s):

Mr.L.Leela Raman

for Mr.T.M.Hariharan for R1

ORDER

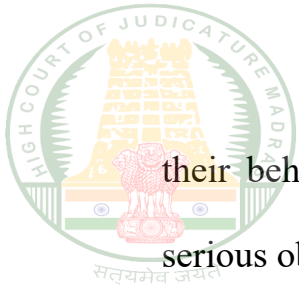
(Order of the Court was made by N.Sathish Kumar J.)

These petitions have been filed to condone the delay of 138 days in filing an application to set aside the abatement caused due to the death of the 2nd respondent/Mogana in A.S.No.130 of 2013; to set aside the abatement; and to bring on record the legal representatives of the deceased 2nd respondent/Mogana.

2.Since the notice to the proposed respondents/legal heirs of the deceased 2nd respondent, returned unserved, this Court, by order dated 12.04.2023, permitted the petitioners to file a petition for substituted service. Accordingly, C.M.P.No.11734 of 2023 was filed by the petitioners to take substituted service. The said petition was ordered on 07.06.2023.

3.Now, it is seen from records that the petitioner has made a paper publication in a Tamil daily on 16.06.2023 and therefore, the substituted service on the proposed legal heirs of the deceased 2nd respondent/Mogana is complete.

Though their names are printed in the cause list, there is no representation of



their behalf. The learned counsel for the 1st respondent/1st plaintiff has no serious objections for allowing these petitions.

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4. Therefore, considering the averments made in the affidavit filed in support of these petitions, these petitions are ordered. Registry is directed to carry out necessary amendment in the cause title.

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

MKN

To

The I Additional District Judge,
Cuddalore.



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CMP No. 21871 of 2



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

MKN

**CMP No. 21871 of 2022,
CMP NO. 21872 OF 2022,
CMP NO. 21873 OF 2022
AND
AS NO. 130 OF 2013**

07-07-2026