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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2026

CORAM

THE HON'BLE DR.JUSTICE R.N.MANJULA

CMP Nos. 29350 & 29352 of 2025
in S.A.No.698 of 2009

Kaliyaperumal Naidu (died)

1. Saroja
   W/o Kaliyaperumal Naidu,
   55/75, Muslim Maetu Street, Near Vijaya
   Theatre, Nellikuppam Post, Panruti Taluk,
   Cuddalore District 607 105.

2. Banumathi
   W/o Kannan
   No.10, Balasubramanaian Nagar, E.B. Quaters,
   Maharaja Puram, Villupuram 605 602

3. Ramani
   W/o Ravi,
   No.18, Kavari Street, Thiyagadhurgam,
   Kallakurichi District 606 202

4. Sankaran
   S/o Kaliyaperumal Naidu,
   55/75, Muslim Maetu Street, Near Vijaya
   Theatre, Nellikuppam Post, Panruti Taluk,
   Cuddalore District 607 105

5. Prabakaran
   S/o Kaliyaperumal Naidu,
   No.1/37, Panruti Road, Senthanadu Post,
   Ulundurpet Tk 607 204.

..Petitioners in both
applications

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Vs

KUPPUSAMY NAIDU (Died)

1. Kousalya
   W/O. Srinivasa Naidu,
   No 11, Kavarai Street, Kallakurichi Tk,
   Senthanadu Post Ulundurpet Tk.
2. Saraswathy Ammal
   W/o Govindarajulu Naidu,
   Vijayankuppam, Senthanadu Village,
   Ulundurpet Tk.

   Jothilingam (Died)

3. Dhandapani
   S/o Viruthachalam,
   Kalathur Harijan Colony,
   Senthanadu Post, Ulundurpet Tk.

4. Chakrapani Konar
   S/o Govindaraju,
   Andikuzai Village, Senthanadu Village,
   Ulundurpet Tk.

5. Rajaram
   S/o Kuppusamy Naidu,
   Senthanadu Village,
   Ulundurpet Tk. Villupuram District.

6. Jeevarathinam
   W/o Jothilingam,
   Mettu Street, Kalathur Colony,
   Senthanadu Village and post,
   Ulundurpet Tk, Villupuram District.

7. Rajkumar
   S/o Jothilingam,
   Mettu Street, Kalathur Colony,
   Senthanadu Village and post,
   Ulundurpet Tk, Villupuram Dt 607 204.

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8. Radhika
   D/o Jothilingam,
   Mettu Street, Kalathur Colony,
   Senthanadu Village and post,
   Ulundurpet Tk, Villupuram Dt 607 204.

9. Ravichandran
   S/o Kaliyaperumal Naidu,
   No.259, Karunanidhi Nagar, 4 Feet Road,
   Virudhachalam 606 001.

..Respondents in both applications

PRAYER IN C.M.P.NO.29350/2025 – This Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act, to condone the delay of 880 days in filing the petition to set aside the abatement caused due to the death of the deceased sole appellant.

PRAYER IN C.M.P.NO.29352/2025 – This Civil Miscellaneous Petition is filed under Order XXII Rule 9 of C.P.C. to set aside the abatement caused due to non-filing of the application to bring on record the legal heirs of the deceased appellant.

For Petitioner(s): Mr.D.Ravichander

For Respondent(s): Mrs.V.Srimathi
(for R2, R3, R5 & R6)

COMMON ORDER

C.M.P.No.29350/2025 is filed to condone the delay of 880 days in filing the petition to set aside the abatement caused due to the death of the deceased sole appellant.

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DR.R.N.MANJULA, J.

GSA

C.M.P.No.29352/2025 is filed to set aside the abatement caused due to non-filing of the application to bring on record the legal heirs of the deceased appellant.

2.Heard the learned counsel for the petitioners as well as the respondents 2, 3, 5 and 6 and perused the entire materials available on record.

3.Being satisfied with the reasons stated in the affidavit filed in support of these petitions, both the Civil Miscellaneous Petitions are allowed.

23-01-2026

Index: Yes/No (1/2)
Speaking/Non-speaking order
Neutral Citation: Yes/No

GSA

CMP Nos. 29350 & 29352 of 2025

in S.A.No.698 of 2009

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