



CMP(MD) NO. 2870 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12-03-2026

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CMP(MD) NO. 2870 of 2026

AND

CMP(MD) NO. 2871 OF 2026, CMP(MD) NO. 2872 OF 2026

IN

SA(MD) NO. 82 OF 2017,

1. Thompson
S/o.Appavu Nadar
Cheveli Vilai
Thippamalai desom
Killiyoor Village
Vilavancode Taluk
Kanyakumari District.

Petitioner(s)

Vs

1. 1. Kasi Nadar(Died) 2.Charlet
W/o.Raj
Pilavettivilai Veedu
Kalluvilai Mankarai Post
Killiyoor Village
Vilavancode Taluk
Kanyakumari District.
(Exparte in the Appeal)

2. Charlet
W/o.Raj
Pilavettivilai Veedu
Kalluvilai Mankarai Post
Killiyoor Village
Vilavancode Taluk
Kanyakumari District.
(Exparte in the Appeal)



3. The Assistant Director of Survey
District Survey Office
Nagercoil
Agasteeswaram Taluk
Kanyakumari District.

4. The State of Tamil Nadu
rep. by District Collector
Kanyakumari District. Collectorate
Nagercoil Agasteeswaram Taluk
Kanyakumari District.

5. Rajaratnam
W/o.Late.Kasi Nadar
Thekkinkarai
Chemvar Vilai veedu
Nattalam desom
Nattalam Village
Vilavancode Taluk
Kanyakumari District.

6. Alex
S/o.Late.Kasi Nadar
Thekkinkarai
Chemvar Vilai veedu
Nattalam desom
Nattalam Village
Vilavancode Taluk
Kanyakumari District.

7. Jegan
S/o.Late.Kasi Nadar
Thekkinkarai
Chemvar Vilai veedu
Nattalam desom
Nattalam Village
Vilavancode Taluk
Kanyakumari District.

8. Benadict (Died)

9. Jayasingh
S/o.Late.Kasi Nadar



Thekkinkarai
Chemvar Vilai veedu
Nattalam desom
Nattalam Village
Vilavancode Taluk
Kanyakumari District.

10. Shajahan
S/o.Late.Kasi Nadar
Thekkinkarai
Chemvar Vilai veedu
Nattalam desom
Nattalam Village
Vilavancode Taluk
Kanyakumari District.

(Respondents 1 to 4 are given up in the CMP)

11. Stella Mary
W/o. K.Benedict
Kadaivilai Veedu
RC Street
Thickurichy Post
Pacode
Kanyakumari District.

12. Ben Sheril (Minor)
D/o. Late. K.Benedict
Kadaivilai Veedu
RC Street
Thickurichy Post
Pacode
Kanyakumari District.

13. Bendona Bril (Minor)
D/o. Late. K.Benedict
Kadaivilai Veedu
RC Street
Thickurichy Post
Pacode
Kanyakumari District.

(Minor Respondents R12 and R13 represented by their mother and
guardian the 11th respondent)) Respondent(s)



For Petitioner(s):

Mr.C.Godwin
G.Cenil

For Respondent(s):

Mr.K.N.Thampi

Prayer in CMP(MD)No.2870/26:

To Condone the delay 283 in days seeking to set aside the abatement caused by the death of 8th respondent in SA(MD). No.82 of 2017 on the file of this Honourable Court and render justice.

Prayer in CMP(MD)No.2871/26:

To set aside the abatement caused by the death of 8th respondent in SA(MD). No.82 of 2017 on the file of this Honourable Court and render justice.

Prayer in CMP(MD)No.2872/26:

To Bring on record the legal representatives of deceased 8th respondent, and rank them as respondents 11 to 13 in SA(MD). No.82 of 2017 on the file of this Honourable Court and render justice.

COMMON ORDER

Petitions have been filed to condone delay, to set aside the abatement caused due to the death of the eighth respondent and to bring on record the respondents 11 to 13 as the legal heirs of the deceased eighth respondent in the present Second Appeal.

2.Though the delay of 283 days is vehemently opposed by Mr.K.N.Thampi, learned Counsel for the respondents including the proposed respondents, on going through the affidavit filed, I am satisfied that the petitioner has satisfactorily and sufficiently explained the reason for delay in



filing the application to set aside abatement and to bring on records applications.

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3.Accordingly, these Civil Miscellaneous Petitions are ordered.

4.Mr.K.N.Thampi, learned Counsel also undertakes to file vakalat for the proposed respondents.

5.Registry is directed to carry out the necessary amendments in the cause title and list the main Second Appeal for hearing on **25.03.2026**.

MR

12-03-2026



To

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Kalluvilai Mankarai Post

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