



*CMP(MD) NOS. 18652, 18655, & 18657 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **06-08-2026**

CORAM

**THE HONOURABLE MR JUSTICE P.VADAMALAI**

**CMP(MD) NOS. 18652, 18655, & 18657 of 2025**

**in**

**AS(MD) NO. 295 of 2023**

P.Tiburcius

Petitioner(s) in all petitions

Vs

1.S.Emerson (Died)

2.Kunaseeli

3.VinuPinto

4.SahayaAsin

5.Saminy

Respondent(s) in all petitions

**For Petitioner(s) in all petitions :**

Mr.S.A.Ajmalkhan,  
Advocate

**For Respondent(s) in all petitions :**

Mr.R.Narmathan,  
Advocate for R2 to R5

R1 - Died



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**Common Prayer :** Civil Miscellaneous Petitions are filed under Section 5 of the Limitation Act, Order 22 Rule 9(2), and Order 22 Rule 4 of the Code of Civil Procedure, to condone the delay of 441 days in filing the petition to set aside the abatement caused due to the death of the sole respondent, to set aside the abatement caused due to the death of the sole respondent, and to bring on record proposed respondents 2 to 5 herein as the legal representatives of the deceased sole respondent and rank them as respondents 2 to 5 in A.S.(MD)No.295 of 2023 on the file of this Court.

**COMMON ORDER**

These Civil Miscellaneous Petitions have been filed to condone the delay of 441 days in filing the petition to set aside the abatement caused due to the death of the sole respondent, to set aside the abatement caused due to the death of the sole respondent, and to bring on record proposed respondents 2 to 5 herein as the legal representatives of the deceased sole respondent and rank them as respondents 2 to 5 in A.S.(MD)No.295 of 2023 on the file of this Court.

2. Heard the learned counsel appearing on either side and perused the common affidavit filed in support of these petitions.



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3. The learned counsel for respondents 2 to 5 has not raised any objection to these petitions.

4. Being satisfied with the reasons stated in the affidavit, these Civil Miscellaneous Petitions are allowed.

**06-08-2026**

(1/2)

**Note :** *The Registry is directed to carry out necessary amendments in the appeal memorandum and list the same in the usual course.*

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**P.VADAMALAI, J.**

mkn

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**(1/2)**