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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Eighth day of March Two Thousand Twenty Two

PRESENT

THE HON'BLE MRS.JUSTICE J.NISHA BANU

CMP.Nos.3006, 3014, 3016 of 2022

in

CRP.PD.No.1473 of 2014

1 NARAYANA BOOPATHY (DECEASED) [PETITIONERS IN ALL THE PETITIONS]
S/O.PERUMAL NAIDU,
DOOR NO.523/586,
ANNA SALAI, CHENNAI-600 002.

2 P.BALAKRISHNAN
S/O LATE PADAMANAPAN,
DOOR NO.8, SUNDARESWARAR KOIL STREET,
ROYAPETTAH, CHENNAI - 600 014

3 P.INDIRA
W/O.A.SADASIVAM, DOOR NO.12,
SUNDARESWARAR KOIL STREET,
ROYAPETTAH, CHENNAI 600 014.

4 P.RAVI
S/O.LATE PADMANAPAN, DOOR NO.12, (OLD DOOR NO.8)
SUNDARESWARAR KOIL STREET, ROYAPETTAH,
CHENNAI - 600 014.

5 SHANTHI
W/O. M. GOVINDARAJAN, NO.4,
THIRUVENGADA STREET,
PUDUPET, CHENNAI - 2

6 N.AMMULU
W/O. LATE.NARAYANA BHOOPATHY,
DOOR NO.523/586, ANNA SALAI, CHENNAI - 2.

7 K.LATHA
D/O. LATE. NARAYANA BHOOPATHY,
DOOR NO. 523 /586, ANNA SALAI, CHENNAI - 2

8 N.PERUMAL
S/O. LATE. NARAYANA BHOOPATHY,
DOOR NO. 523/586, ANNA SALAI, CHENNAI - 2



1 T.R.KANNIAPPA NAIDU (DECEASED) [RESPONDENTS IN ALL THE PETITIONS]
No.48/14, ALAYAAMAN KOIL STREET,
HOUSING BOARD,
VANNIER TEYNAMPET, CHENNAI-600 018.

2 ALALYAPPAN
S/O.LATE. T.R.KANNIAPPA NAIDU,
NO.48/14, ALAYAAMAN KOIL STREET,
HOUSING BOARD, VANNIER TEYNAMPET,
CHENNAI - 600 018.

3 RAJA
S/O. LATE. T.R. KANNIAPPA NAIDU,
NO.48/14, ALAYAAMAN KOIL STREET,
HOUSING BOARD, VANNIER TEYNAMPET,
CHENNAI - 600 018.

4 GANESH
S/O.LATE.T.R.KANNIAPPA NAIDU,
NO.48/14, ALAYAAMAN KOIL STREET,
HOUSING BOARD, VANNIER TEYNAMPET,
CHENNAI - 600 018.

5 KANDOTH AHMMED HAJI
KADOTH HOUSE, POST EDACHERI (NORTH), VIA,
VATAKARA, KOZHIKODE DISTRICT, KERALA.

6 MAYAN ALIAS MAYAL
KADOTH HOUSE, POST EDACHERI (NORTH), VIA,
VATAKARA, KOZHIKODE DISTRICT, KERALA.

7 ASHRAF
KADOTH HOUSE, POST EDACHERI (NORTH), VIA,
VATAKARA, KOZHIKODE DISTRICT, KERALA.

8 KANDOTH ABDUL GAFOOR
KADOTH HOUSE, POST EDACHERI (NORTH), VIA,
VATAKARA, KOZHIKODE DISTRICT, KERALA.

9 JAFAR KANDOTH
KADOTH HOUSE, POST EDACHERI (NORTH), VIA,
VATAKARA, KOZHIKODE DISTRICT, KERALA.

10 HARRIS KODATHAN KANDIYIL
DOOR NO.343, KODATHAM KANDI,
P.O. ERAMALA, ORKKATHERI,
VATAKARA, KOZHIKODE DISTRICT,
KERALA.



11 KUNHAMMAD. K
71, KOCHERINTAVIDA HOUSE,
5, ERAMALA, VATAKARA,
KOZHIKODE DISTRICT, KERALA.

12 THE MEMBER SECRETARY OF CHENNAI
METROPOLITAN, DEVELOPMENT AUTHORITY,
THALAMUTHU NATARAJAN MALLIGAI, EGMORE,
CHENNAI - 18.

13 THE COMMISSIONER FOR MUNICIPAL
CORPORATION OF CHENNAI, RIPPON BUILDINGS, CHENNAI - 3.

14 THE CHAIRMAN TAMILNADU ELECTRICITY
BOARD, NPKRR MAALIGAI AT NO.800,
ANNA SALAI, CHENNAI -2.

15 THE INSPECTOR OF POLICE
THOUSAND LIGHTS POLICE STATION,
THOUSAND LIGHTS, CHENNAI - 6.

16 GOVINDAMMAL
W/O. LATE. T.R.KANNIAPPA NAIDU, NO.48/14,
ALAYAAMMAN KOVIL STREET, HOUSING BOARD,
VANNIAR TEYNEMPET, MADRAS-18.

17 MEENAKSHI
D/O. LATE.T.R.KANNIAPPA NAIDU, NO. 4,
AARANI MUTHU STREET, CHOOLAI, CHENNAI - 112.

18 LAKSHMI DEVI
D/O. LATE. T.R. KANNIAPPA NAIDU, NO.34,
GOPAL STREET, CHOLLAI, CHENNAI - 112.

19 KANNIAMMAL
D/O. LATE. T.R.KANNIAPPA NAIDU, NO.7/8,
ALAYAAMMAN KOVIL STREET, HOUSING BOARD,
VANNIAR TEYNEMPET, MADRAS-18.

(1)Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone delay of 1859 days in filing the application to set-aside abatement caused due to the death the petitioner in the above CRP.No.1473 of 2014.(CMP.No.3006/2022)

(2)To set-aside the abatement caused due to the death of the deceased first petitioner in the above CRP No.1473 of 2014 (CMP.No.3014/2022) and;

(3)To bring on record the proposed petitioners 6 to 8 as Legal heirs of deceased first petitioner in the above Civil Revision Petition under section 115 of CPC filed to set aside the ((CMP.No.3016/2022)).



Order : These petitions coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.P.SIDHARTHAN, Advocate for the petitioners in all the petitions and of M/S.B.MOHAN, Advocate for 5 to 11 Respondents and of M/S.P.VEENA SURESH, Advocate for 13th Respondent and of M/S.AKILA RAJENDRAN, Advocate for 15th Respondent, the court made the following order:-

The petition in CMP.No.3006 of 2022 has been filed by the petitioners to condone the delay of 1859 days to file a petition to set aside the abatement caused due to the death of the first petitioner, CMP.No.3014 of 2022 has been filed to set aside the abatement and CMP.No.3016 of 2022 has been filed to bring on record the legal representatives of the deceased first petitioner.

2. The learned counsel for the petitioners would state that the counsel who was handling the matter became Public Prosecutor for the CBI and the papers pertaining to the CRP could not be located due to various proceedings are pending against the petitioners and the respondent. He would further state that the counsel had already taken signature in the petition to implead the legal representatives, but some how the papers were misplaced and due to pandemic and non listing of the case, the delay had occurred and the same is not intentional but due to the above said bonafide reasons beyond the control of the petitioners. Hence, prayed to allow these petitions.

3. Considering the submissions made by the learned counsel for the petitioners and the averments made in the affidavit filed in support of these petitions, these petitions are Ordered on payment of cost of Rs.1000/- [Rupees one thousand only] to the Tamilnadu Legal Services Authority, Chennai within a period of one week and any default in payment, these petitions stand automatically dismissed.

-sd/-

08/03/2022

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE XVIII ADDITIONAL JUDGE,
CITY CIVIL COURT, CHENNAI.



COPY TO

THE TAMILNADU STATE LEGAL
SERVICES AUTHORITY, HIGH COURT, MADRAS-104.

WEB COPY

Order
in
CMP.Nos.3006, 3014, 3016 of 2022

in
CRP.PD.No.1473 of 2014

Date :08/03/2022

From 26.2.2001 the Registry is issuing certified
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GS(14/03/2022)