



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Twenty Ninth day of March Two Thousand Twenty Two

PRESENT

THE HON`BLE MRS.JUSTICE J.NISHA BANU

CMP.Nos.13121, 13123 and 13127 of 2021

in C.R.P(NPD)No.1133 of 2016

P.RANGANATHAN
S/O.(LATE) PERIYAN,
MAIN ROAD, RAMALINGA NAGAR,
WORAIYUR, TIRUCHI-3

[PETITIONER IN ALL THE PETITIONS]

Vs

1 S.DUR AISAMY
(DECEASED ON 30-08-2018)
S/O SHANMUGHAM

[RESPONDENTS IN ALL THE PETITIONS]

2 SAROJA
W/O MUTHAIYAN AND
D/O.S.DUR AISAMY
NO.11A, C.S.NAGAR MAIN ROAD,
VADAVALLI, COIMBATORE NORTH,
COIMBATORE TK AND DT.

3 RAVICHANDRAN
S/O.S.DUR AISAMY
NO.7/11, PASUPATHIPURAM,
KARUR TOWN, KARUR TK AND DT.

4 SATHYASEELAN
S/O.S.DUR AISAMY,
NO.5/1382, GANDHI NAGAR
2ND COLONY EXTENSION,
UDUMALAIPETTAI TOWN AND TK,
THIRUPUR DT.

5 SASIKALA
D/O.S.DUR AISAMY,
G.K.M.HONE, NO.1/4, SAIBABA NAGAR,
GANDHI VILLAGE, THANTHONI,
KARUR TK AND DT.



Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

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1. CMP No.13121 of 2021

To permit the petitioners to bring the legal heirs of the deceased respondents Thiru S.Duraisamy on record in the CRP No.1133 of 2016 as 2 to 5 respondents and pass such order or further other orders and thereby render justice.

2. CMP No.13123 of 2021

To set aside the abatement in bringing the legal heirs of the deceased respondents-Thiru S.Duraisamy in CRP No. 1133 of 2016 and and pass such order or further other orders and thereby render justice.

3. CMP No.13127 of 2021

To condone the delay of 413 days in filling the application to set aside the abatement in bringing the legal heirs of the deceased Respondent Thiru S.Duraisamy in CRP No.1133 of 2016 and pass such order or further other orders and thereby render justice.

Order : This Miscellaneous 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.S.HARSHITHA, Advocate for the petitioner in all the petitions and of M/S.C.PRABAKARAN, Advocate for the 2 to 5 Respondents in all the petitions, the court made the following order:-

The petition in CMP.No.13127 of 2021 has been filed by the petitioner to condone the delay of 413 days to file a petition to set aside the abatement caused due to the death of the sole respondent, CMP.No.13121 of 2021 has been filed to permit the petitioner to bring on record the legal representatives of the deceased sole respondent and CMP.No.13123 of 2021 has been filed to set aside the abatement.

2. The learned counsel for the petitioner would submit that the petitioner has changed the counsel on record and engaged the present counsel only on 26.03.2021 and the said counsel has filed change of vakalat only in the month of April 2021 as a result of which, there was a delay to inform the death of the sole respondent to the counsel and therefore, there is a delay in filing the above petitions and prayed for allowing the same.

3. The learned counsel for the respondents has no objection in allowing the above petitions.

4. Considering the reasons stated in the affidavit filed in support of the petitions and the submission made by the learned counsel on either side, the delay is condoned on payment of cost of Rs.2,000/- (Rupees Two Thousand only) to the Tamil Nadu Legal Services Authority, Chennai, within a period of two weeks from the



date of receipt of a copy of this order and consequently other petitions are ordered. If the cost is not paid within the above stipulated time, all the petitions shall stand automatically dismissed.

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5. If the conditional order is complied with by the learned counsel for the petitioner, Registry is directed to carry out the necessary amendments.

Post the Civil Revision Petition on 12.04.2022.

-sd/-

29/03/2022

/ TRUE COPY /

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

TO

THE DISTRICT MUNSIF,
PERAMBALUR

COPY TO

THE SECRETARY,
TAMIL NADU LEGAL SERVICES AUTHORITY,
HIGH COURT BUILDING, HIGH COURT,
CHENNAI 104.

Order

in

CMP.Nos.13121, 13123 and 13127 of 2021
in C.R.P(NPD)No.1133 of 2016

Date :29/03/2022

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
RA 11/04/2022