



CMP.Nos.16432 to 16434/2024 in OSA.No.214/2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

AND

THE HONOURABLE DR. JUSTICE A.D.MARIA CLETE

CMP.Nos.16432, 16433 & 16434/2024

in OSA.No.214/2023

K.Muthu

.. Petitioner in
all the petitions

Versus

T.Amudan Antony [Deceased]

1.K.Devi

2.A.A.Kumaran

3.A.A.Sastha Prabhu

4.A.A.Dayasankar

A.A.Annaprabhu [deceased]

5A.A.Kala

6.A.A.Varalakshmi

7.S.P.Muthukumarasami

8.M.Anusaya Devi

9.Mrs.SAvithri B

10.Mrs.Bakkiyam

11.Miss Tamil Malar S.B.

rep.by her mother & natural guardian

Mrs.Savithiri B.

.. Respondents in
all petitions



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****RR10 to 12 impleaded as LR's of deceased
1st plaintiff/1st applicant vide order dated
04.08.2021 in A.No.2592/2021**

12.Sathiyapriya S
13.Minor A.S.Ramya Sri
rep.by her mother and legal
guardian Mrs.Sathiyapriya S

.. Proposed
respondents

Prayer in CMP.No.16432/2024: Petition filed under Order 14 Rule 8 of High Court Original Side Rules 1994 read with Section 5 of the Limitation Act, 1963, to condone the delay of 675 days in preferring an application to set aside the abatement of proceedings against the deceased 5th respondent in OSA.No.214/2023.

Prayer in CMP.No.16433/2024: Petition filed under Order 14 Rule 8 of High Court Original Side Rules 1994 read with Order XXII Rule 9 of CPC, 1908, to set aside the abatement of proceedings against the deceased 5th respondent in OSA.No.214/2023.

Prayer in CMP.No.16434/2024: Petition filed under Order 14 Rule 8 of High Court Original Side Rules 1994 read with Order XXII Rule 4 of CPC, 1908, to bring on record the proposed respondents 12 and 13 herein as the legal representatives of the 5th respondent, late Mr.A.A.Annaprabhu, in OSA.No.214/2023 and rank them as respondents 13 and 14 in the said Appeal.



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For Petitioner in
all petitions : Mr.Thyriyambak J.Kannan
For R2 in all
petitions : Mr.S.Santhosh Kumar

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1) These petitions are filed to condone the delay of 675 days in filing a petition to set aside abatement caused due to the death of the 5th respondent ; to set aside the abatement and to bring on record the legal representatives of the deceased 5th respondent as respondents 13 and 14 in the Original Side Appeal.
- (2) In the affidavit filed in support of the petition in CMP.No.16432/2024, the petitioner has properly explained the delay to the satisfaction of this Court. The relationship is not in dispute. It is the case of the petitioner that the death of the 5th respondent was brought to his notice only during the proceedings.



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(3) Hence, **CMP.Nos.16432 to 16434/2024 in OSA.No.214/2023** are **ordered.**

(4) Registry is to carry out necessary amendment in the cause title and post the Original Side Appeal for final hearing during November 2024.

[SSSRJ] [ADM CJ]

18.10.2024

AP

Internet : Yes



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S.S.SUNDAR, J.,
and
A.D.MARIA CLETE, J.,

AP

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