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CMP. 21761 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-12-2024

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CMP. 21761 of 2023,

CMP. 21766 OF 2023 and CMP. 21771 OF 2023

in

SA. 701 OF 2006

T.R.THANGAMUGHU (DIED) 1.T.POOVATHAL
W/O T.R.THANGAMUTHU, RES AT 30/43, AKKARAIYANKATTU
THOTTAM, N.THAIRPALAYAM, GANGAPURAM POST,
CHITHODE, THAIRPALAYAM, ERODE TK, ERODE AND
ANOTHER

Petitioners in all C.M.Ps

Vs

C.MALATHI
W/O S.CHINNASAMY, 60, MARAPPA VEETHI, NO.2,
SOORAMPATHY, ERODE 9 AND 4 OTHERS

Respondents in all C.M.Ps

Prayer in C.M.P.No.21761 of 2023:- Civil Miscellaneous Petition filed under Order IV Rule 9 (4) of AS Rules r/w 148 of C.P.C to condone the delay of 157 days in representation the above petition to restore the above second appeal.

Prayer in C.M.P.No.21771 of 2023:- Civil Miscellaneous Petition filed under Order 22 Rule 3 of CPC to bring the petitioners T.Poovathal, W/o. T.R.Thangamuthu, 2. T.Selembaran, S/o. T.R.Thangamuthu, as legal representatives of the deceased sole appellant T.R.Thangamuthu and ranked as appellants 2 and 3 in the above second appeal.

Prayer in C.M.P.No.21766 of 2023:- Civil Miscellaneous Petition filed under Order 41 of Rule 19 of C.P.C to set aside the order dated 08.03.2013 and restore the S.A.No.701/2006 which was dismissed as abated.



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For Appellant(s):

R.EZHILARASAN
APPELLANT - DIED VIDE B/O DATE 20/01/2023
R.AMMU
M/S.DHANASEKARAN

For Respondent(s):

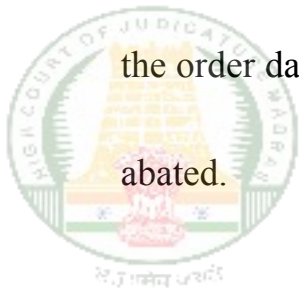
M/S.KAITHAMALAI KUMARAN
FOR RR1 & 2
R3- DIED (STEPS TAKEN)
M/S V.REGUNATHAN
FOR RESPTS. 4 & 5

COMMON ORDER

Civil Miscellaneous Petition No.21761 of 2023 has been filed seeking to condone the delay of 157 days in representation the above petition to restore the above second appeal.

1.1. Civil Miscellaneous Petition No.21771 of 2023 has been filed seeking to bring the petitioners T.Poovathal, W/o. T.R.Thangamuthu, 2. T.Selembaran, S/o. T.R.Thangamuthu, as legal representatives of the deceased sole appellant T.R.Thangamuthu and ranked as appellants 2 and 3 in the above second appeal.

1.2. Civil Miscellaneous Petition No.21766 of 2023 has been filed seeking to set aside



the order dated 08.03.2013 and restore the S.A.No.701 of 2006 which was dismissed.
abated.



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2. There are no serious objections on behalf of the respondents.

3. Having considered the submissions made by the learned counsel for the petitioners and having considered the petitioners' affidavits in support of these petitions, it is appropriate to allow these miscellaneous petitions.

4. In the result, these miscellaneous petitions are allowed.

13-12-2024

KV

Note: Registry is directed to carry out necessary amendments in the Second Appeal pursuant to the aforesaid order and post the above Second Appeal after one week for final hearing.