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CMP. 23525 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-12-2024

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CMP. 23525 of 2024,

CMP. 23529 OF 2024 and CMP. 23531 OF 2024

in SA. 1120 OF 2012,

EZHUMALAI

S/O. ANNAMALAI GOUNDER, VINAYAGAPURAM,
SAMMANDHANOOR VILLAGE, SOMASIPADI POST,
TIRUVNANAMALAI TALUK, TIRUVANNAMALAI DIST. AND 2
OTHERS

PETITIONERS IN ALL C.M.PS

Vs

PERUMAL (DIED) 1. EZHUMALAI

S/O. CHINNAIAH GOUNDER, VINAYAGAPURAM,
SAMMANDHANOOR VILLAGE, SOMASIPADI POST,
TIRUVNANAMALAI TALUK, TIRUVANNAMALAI DIST. AND 9
OTHERS

RESPONDENT IN ALL C.M.PS

Prayer in C.M.P.No.23525 of 2024:- Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, to condone the delay of 2382 days in setting aside the abatement caused due to the death of the first respondent, namely A.Perumal.

Prayer in C.M.P.No.23529 of 2024:- Civil Miscellaneous Petition filed under Order 22 Rule 9(2) of CPC to set aside the abatement caused due to the death of the first respondent, namely A.Perumal.

Prayer in C.M.P.No.23531 of 2024:- Civil Miscellaneous Petition filed under Order 22 Rule 4 of C.P.C to bring on record the proposed respondents 4 to 10 herein as legal representatives of the deceased 1st respondent, namely A.Perumal and array them as respondents 5 to 11 in the above second appeal.

For Appellant(s)

in all C.M.Ps:

<https://www.mhcetn.gov.in/judis>



J.RAMAKRISHNAN
P.DINESHKUMAR



**For Respondent(s)
in all C.M.Ps:**

P. VEENA
K.KRISHNAN
A.S.MANISH 2415/2017
S.ISHAA 4251/2022
L.S.VASEEKARAN 3448/2024 FOR RR4 TO 10

COMMON ORDER

1. Civil Miscellaneous Petition No.23525 of 2024 has been filed seeking to condone the delay of 2382 days in setting aside the abatement caused due to the death of the first respondent, namely A.Perumal.

1.1. Civil Miscellaneous Petition No.23529 of 2024 has been filed seeking to to set aside the abatement caused due to the death of the first respondent, namely A.Perumal.

1.2. Civil Miscellaneous Petition No.23531 of 2024 has been filed seeking to bring on record the proposed respondents 4 to 10 herein as legal representatives of the deceased 1st respondent, namely A.Perumal and array them as respondents 5 to 11 in S.A.No.1120 of 2012.

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 petition
appropriate to allow these miscellaneous petitions.



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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.