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CMP. 24098 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-12-2024

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CMP. 24098 of 2024 ,

CMP. 24102 OF 2024, CMP. 24104 OF 2024 &

CMP. 24100 OF 2024 in SA. 892 OF 2012

CMP. No.24098 OF 2024

MICHEL

S/O. LATE ANTHONY, MAYANUR VILLAGE, SANGARAPURAM
TK, KALLAKURICHI, AROKIADOSS (DIED), ESSAC (DIED).

APPELLANT(S)

Vs

AROKIASAMY (DIED) 1. CHINNAPPAN
S/O. RAJU @ DEIVASAGAYAM, RES.AT MAYANUR VILLAGE,
SANGARAPURAM TK, KALLAKURICHI.

RESPONDENT(S)

CMP. 24100 of 2024

MICHEL

S/O. LATE ANTHONY, MAYANUR VILLAGE,
SANGARAPURAM TK, KALLAKURICHI, AROKIADOSS
(DIED), ESSAC (DIED) AND 10 OTHERS

APPELLANTS(S)

Vs

AROKIASAMY (DIED) 1. CHINNAPPAN
S/O. LATE ANTHONY, MAYANUR VILLAGE,
SANGARAPURAM TK, KALLAKURICHI, AROKIADOSS
(DIED), ESSAC (DIED) AND 5 OTHERS

RESPONDENT(S)

CMP. 24102 of 2024



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MICHEL
S/O. LATE ANTHONY, MAYANUR VILLAGE,
SANGARAPURAM TK, KALLAKURICHI, AROKIADOSS
(DIED), ESSAC (DIED) AND 10 OTHERS

APPELLANT(S)

Vs

AROKIASAMY (DIED) 1. CHINNAPPAN
S/O. LATE ANTHONY, MAYANUR VILLAGE,
SANGARAPURAM TK, KALLAKURICHI, AROKIADOSS
(DIED), ESSAC (DIED) AND 5 OTHERS

RESPONDENT(S)

CMP. 24104 of 2024

MICHEL
S/O. LATE ANTHONY, MAYANUR VILLAGE,
SANGARAPURAM TK, KALLAKURICHI, AROKIADOSS
(DIED), ESSAC (DIED) AND 10 OTHERS

APPELLANT(S)

Vs

AROKIASAMY (DIED) 1. CHINNAPPAN
S/O. LATE ANTHONY, MAYANUR VILLAGE,
SANGARAPURAM TK, KALLAKURICHI, AROKIADOSS
(DIED), ESSAC (DIED) AND 5 OTHERS

RESPONDENT(S)

Prayer in C.M.P.No.24098 of 2024:- Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, 1963, to condone the delay of 1675 days in seeking to set aside the abatement caused due to the death of the deceased/2nd appellant Arokiadoss in S.A.No.892 of 2012.

Prayer in C.M.P.No.24100 of 2024:- Civil Miscellaneous Petition filed under Order XXII Rule 9 of the CPC, to set aside the abatement caused due to the death of the 2nd appellant Arokiadoss in S.A.No.892 of 2012.

Prayer in C.M.P.No.24102 of 2024:- Civil Miscellaneous Petition filed under Order XXII Rule 3 of the CPC, to bring the petitioners 3 to 6 herein as the legal representatives of the deceased/2nd appellant Arokiadoss in the above Second Appeal and rank them as Appellants 5 to 8 in S.A.No.892 of 2012.

Prayer in C.M.P.No.24104 of 2024:- Civil Miscellaneous Petition filed under Order



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XXII Rule 3 of the CPC, to bring the petitioners 7 to 11 herein as the legal representatives of the deceased/3rd appellant Essac in the above Second Appeal and rank them as Appellants 9 to 13 in S.A.No.892 of 2012.

For Appellant(s):

S.M.S. SHRIRAM NARAYANAN
M/S.P.VALLIAPPAN
S.M.S.SHRIRAM NARAYANAN
M.MADHAN KUMAR
A3 - DIED (STEPS DUE)

For Respondent(s):

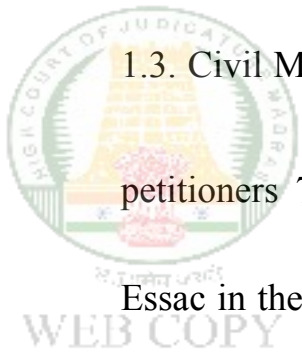
R1 - DIED (STEPS TAKEN)
M/S.R.MEENAL
G.INDIRA
T.SEZHIAN-MS/2025/2000 FOR RR2 TO 7

COMMON ORDER

Civil Miscellaneous Petition No.24098 of 2024 has been filed seeking to condone the delay of 1675 days in filing the petition to set aside the abatement caused due to the death of the 2nd appellant Arokiadoss in S.A.No.892 of 2012.

1.1. Civil Miscellaneous Petition No.24100 of 2024 has been filed seeking to set aside the abatement caused due to the death of the 2nd appellant Arokiadoss in S.A.No.892 of 2012.

1.2. Civil Miscellaneous Petition No.24102 of 2024 has been filed seeking to bring the petitioners 3 to 6 herein as the legal representatives of the deceased/2nd appellant Arokiadoss in the above Second Appeal and rank them as Appellants 5 to 8 in S.A.No.892 of 2012.



1.3. Civil Miscellaneous Petition No.24104 of 2024 has been filed seeking to b

petitioners 7 to 11 herein as the legal representatives of the deceased/3rd appellant

Essac in the above Second Appeal and rank them as Appellants 9 to 13 in S.A.No.892 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 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 Christmas vacation.