



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Civil Appellate Jurisdiction

Wednesday, the Fourteenth day of August Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE P.VELMURUGAN
AND
The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CMP(MD). No.9972,9973 and 9975 of 2024
in
CMA(MD)SR.No.42106 of 2024

CMP(MD).No.9972,9973 and 9975 of 2024

Ilangiyanthammal Alias Ilangiyam (Died)

1. S.Mohan, S/o. Sadayapillai,

2. S.Chandhira

3. S.Indira

4. S.Saroja

... Petitioners 1 to 4

(in all the Petitions)

- Vs. -

CMP(MD).No.9972,9973 and 9975 of 2024

1. The Divisional Manager

The New India Assurance Company Limited,
1st Floor, Amman Complex, Evn Road,
Erode.

...1st Respondent/ Appellant

2. S.Suguna,

...2nd Respondent/1st Respondent

3. K.Murugan

... 3rd Respondent/3rd Respondent

(in all the Petitions)



Prayer in CMP(MD). 9972 of 2024:-

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Civil Miscellaneous Petition filed under Section 5 of Limitation Act, to
Condone the delay of 357 days in filing petition to set aside the abatement caused by
the death of 2nd respondent namely Ilangiyanthammal alias Ilangiyam in the above
Civil Miscellaneous Appeal (MD) SR 42106/2024.

Prayer in CMP(MD).9973 of 2024 :-

Civil Miscellaneous Petition filed under Section 5 of Limitation Act, to set aside
the abatement caused by the death of 2nd respondent namely Ilangiyanthammal
alias Ilangiyam on 3.5.2023 in the above Civil Miscellaneous Appeal (MD) SR
42106/2024.

Prayer in CMP(MD).9975 of 2024:-

Civil Miscellaneous Petition filed to Bring on record the petitioners/proposed
respondents 4 to 7 as legal heirs of deceased 2nd respondent namely
Ilangiyanthammal alias Ilangiyam and rank them as respondents 4 to 7 in the above
Civil Miscellaneous Appeal (MD) SR 42106/2024 and pass such further or other
orders as this Honourable Court may deem fit and proper in the nature and
circumstances of the case.



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These Civil Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.Suresh Kumar, Advocate for the Petitioner and having none for the respondent either in person or any Counsel, this Court made the following order:

1. These petitions have been filed to condone the delay of 357 days in filing the petition to set aside the abatement caused due to the death of second respondent namely Ilangiyanthammal @ Ilangiyam and to set aside the abatement caused due to the death of the Ilangiyanthammal @ Ilangiyam and to bring on record the petitioners herein/proposed respondents 4 to 7 as legal heirs of the deceased/second respondent namely Ilangiyanthammal @ Ilangiyam as respondents 4 to 7 in the above appeal.

2. The appellant died after pronouncing judgement and the petitioners have filed these petitions within time.

3.The learned counsel for the respondent has no serious objection to allow these petitions.

4. Being satisfied with the reasons stated in the affidavit filed in support of the petition, these petitions are ordered.



5. Registry is directed to carry out the necessary amendments in the appeal.

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Sd/-

Assistant Registrar (CS – III)

// True Copy //

/ /2025

Sub Assistant Registrar
(CS – I/ II / III /IV)

TO

The Divisional Manager
The New India Assurance Company Limited
1st Floor Amman Complex Evn Road Erode.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 14/08/2024

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ORDER
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CMP(MD). No.9972,9973 and 9975 of 2024
in
CMA(MD)SR.No.42106 of 2024

Giving direction and etc.
as stated within.

CT (16/06/2025) 4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023