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CMP.Nos.4155, 4159 & 4162 of 2025 in A.S.No.813 of 2010



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

CMP.Nos.4155, 4159 & 4162 of 2025

in

A.S.No.813 of 2010

K. Arumugam (died)

1. A.Yasotha

2. A.Arunkumar

3. S.Suganya

... Petitioners /
Proposed Appellants 2 to 4
in all CMPs

Vs.

1. K.Jayaraman

... Respondent /
First respondent in all CMPs

Krishnaveni (Died)

2. Jayalakshmi

3.Saraswathi

... Respondents /
Respondents 3 & 4
in all CMPs

Devadass (died)

4. R.Ponnusamy

5. Tmt. Karuppurathinam

6. Tmt. Bagiya Lakshmi

... Respondents /
Proposed respondents 6 to 8
in all CMPs

7. Pushpammal

8. Kannan

9. Nagendran

... Respondents /
Proposed respondents 9 to 11
in all CMPs

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PRAYER IN CMP.No.4155 of 2025 : This Civil Miscellaneous Petition filed under Section 5 of Limitation Act, praying to condone the delay of 377 days in filing the above petition to set aside abatement caused due to the death of the sole Appellant, K.Arumugam in the above appeal suit in A.S.No.813 / 2010.

PRAYER IN CMP.No.4159 of 2025 : This Civil Miscellaneous Petition filed under Order XXII Rule 9 (2) of CPC, 1908, praying to set aside the abatement cause due to the death of the sole appellant, K.Arumugam in the above appeal suit in A.S.No.813 of 2010.

PRAYER IN CMP.No.4162 of 2025 : This Civil Miscellaneous Petition filed under Order XXII Rule 3 of CPC, 1908, praying to bring on record the petitioners 1 to 3 herein as the legal representatives of the deceased / sole appellant, K.Arumugam and rank them as the appellants 2 to 4 in the above appeal suit in A.S.No.813 of 2010.

For Petitioners : Mr.P.M.Duraiswamy in all CMPs

For Respondents : Mr.P.Raja for R1 to R4 in all CMPs

COMMON ORDER

CMP.No.4155 of 2025 has been filed to condone the delay of 377 days in filing the above petition to set aside abatement caused due to the death of the sole Appellant, K.Arumugam in the above appeal suit.



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2. CMP.No.4159 of 2025 has been filed to set aside the abatement cause due to the death of the sole appellant, K.Arumugam in the above appeal suit.

3. CMP.No.4162 of 2025 has been filed to bring on record the petitioners 1 to 3 herein as the legal representatives of the deceased / sole appellant, K.Arumugam and rank them as the appellants 2 to 4 in the above appeal suit.

4. Heard Mr.P.M.Duraiswamy, learned counsel for the petitioners and Mr.P.Raja, learned counsel for the respondents 1 to 4.

5. On being satisfied with the reasons stated in the affidavits filed in support of these petitions and also considering the submissions made on either side, this Court is inclined to allow these petitions. Accordingly, these petitions are allowed without costs.

03.07.2025

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Note: Registry is directed to carry out necessary amendment in the appeal papers.



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CMP.Nos.4155, 4159 & 4162 of 2025 in A.S.No.813 of 2010

R.SAKTHIVEL, J.

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in
A.S.No.813 of 2010

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