



CMP.Nos. 7237, 9123 & 15205 of 2025
in
A.S.No. 63 of 2021

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CMP.Nos. 7237, 9123 & 15205 of 2025
in
A.S.No. 63 of 2021

K.Srinivasan

....Petitioner

Versus

P.Raju (Died)
A.Vellingirisamy (Died)

1.S.Vasanth Kumar Jain
2.Bavesh Kumar Jain
3.V.Kaliammal
4.V.Kamadevi

...Respondents

5.Shanthi
6.Prathap
7.Praveen Kumar

...Proposed Respondents

Prayers:

(i) Civil Miscellaneous Petition No.7237 of 2024 is filed under Section 151 of the Code of Civil Procedure, 1908 praying to accept the cause title.



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WEB COPY (ii) Civil Miscellaneous Petition No.15205 of 2025 is filed under Section 5 of the Limitation Act, 1963 praying to condone the delay of 1630 days in filing the application to set aside the abatement in A.S.No. 63 of 2021.

(iii) Civil Miscellaneous Petition No.9123 of 2025 is filed under Order XXII Rule 9(2) of the Code of Civil Procedure, 1908 praying to set aside the abatement in the above appeal and permit the petitioner to implead the legal heirs of the 1st respondent.

For Petitioner : Mr.Mohammed Sajid
Mr.S.Vediyappan

For RR5 to 7 : Mr.M.Sriram,

COMMON ORDER

Mr.Mohammed Sajid, representing Mr.S.Vediyappan, learned Counsel on record for the petitioner and Mr.M.Sriram, learned Counsel on record for the Respondent Nos.5 to 7 are before this Court.

2.This Court has perused the affidavit filed in support of these petitions.



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WEB COPY 3.The first respondent/sole plaintiff passed away on 01.08.2020

leaving behind the Respondent Nos.5 to 7 as his legal heirs/legal representatives of the deceased. Reasons stated in the affidavit are satisfied. Hence, the delay of 1630 days in filing the petition to set aside the abatement in the appeal suit is condoned. Consequently, both the petitions to set aside the abatement and accept the cause title are also allowed.

4.Accordingly, these Civil Miscellaneous Petitions are allowed.

21.08.2025

MSM

Note:Registry shall carry out necessary amendment in the main appeal and list the same on **25.08.2025.**



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R. SAKTHIVEL, J.,

MSM

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