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CMP.Nos.11261, 11262 & 11264 of 2025 in A.S.No.258 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

CMP.Nos.11261, 11262 & 11264 of 2025

in

A.S.No.258 of 2018

V.Sundaram

... Petitioner /
Appellant in all CMPs

Vs.

1. R.Rajagopal
2. R.Rajeshwari

... Respondents /
Respondents in all CMPs

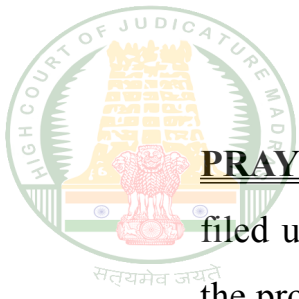
- Kala (Died)
3. Thangavel
 4. Suguna
 5. Sulochana

... Proposed Respondents /
Legal heirs of third respondent
in all CMPs

PRAYER IN CMP.No.11261 of 2025 : This Civil Miscellaneous Petition filed under Section 5 of Limitation Act, praying to condone the delay of 887 days in filing a petition to set aside the abatement caused due to the death of the third respondent in the above appeal suit.

PRAYER IN CMP.No.11262 of 2025 : This Civil Miscellaneous Petition filed under Order XXII Rule 9 of CPC, 1908, praying to set aside the abatement cause due to the death of the third respondent, Kala in the above appeal suit.

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PRAYER IN CMP.No.11264 of 2025 : This Civil Miscellaneous Petition filed under Order XXII Rule 4 of CPC, 1908, praying to bring on record the proposed respondents 3 to 5 herein, as the legal representatives of the deceased third respondent, Kala and rank them as the respondents 4 to 6 in the above appeal suit.

For Petitioner : Ms.R.Charumathi
for M/s.P.Veena Suresh in all CMPs

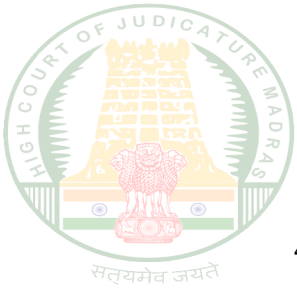
For Respondents : Mr.V.Venkatesh
for M/s. S.Lakshmanasamy
for R1 & R2 in all CMPs

COMMON ORDER

CMP.No.11261 of 2025 has been filed to condone the delay of 887 days in filing a petition to set aside the abatement caused due to the death of the third respondent in the above appeal suit.

2. CMP.No.11262 of 2025 has been filed to set aside the abatement cause due to the death of the third respondent, Kala in the above appeal suit.

3. CMP.No.11264 of 2025 has been filed to bring on record the proposed respondents 3 to 5 herein, as the legal representatives of the deceased third respondent, Kala and rank them as the respondents 4 to 6 in the above appeal suit.



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4. Heard Ms.R.Charumathi, representing M/s.P.Veena Suresh, learned counsel on record for the petitioner and Mr.V.Venkatesh, representing M/s. S.Lakshmanasamy, learned counsel on record for the respondents 1 & 2.

5. Despite the service of notice and the names of the respondents 3 to 5 having been printed in the cause list, there is no representation on behalf of them.

6. 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.

11.07.2025

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



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R.SAKTHIVEL, J.

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11 / 07 / 2025

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