



C.M.P.Nos. 10152, 10161 & 10164 of 2025
in
A.S.No.359 of 2014

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2025

CORAM

THE HONOURABLE MR.JUSTICE R. SAKTHIVEL

C.M.P.Nos. 10152, 10161 & 10164 of 2025
in
A.S.No.359 of 2014

Annammal
W/o.Late.Nataraja Gounder
Chinnaraj Gounder Kalam
Ganapathipalayam
Pollachi Taluk
Coimbatore District.

...Petitioner
[in all three CMPs]

Versus

Mylathal (Died)
Pakkiyammal (Died)

1. Bhavagvathiammal
W/o.Late.Ramasamy Gounder
2. Sarojini
W/o.Late.Velusamy Gounder
[Respondents 1&2 are residing at
Govindapuram
Behind Kerala State Check Post
Muthulaimadal Panchayat
Chittur Taluk, Pallakad District
Kerala State.



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3. Nalla Gounder
S/o. Nachimuthu
4. Senthil Kumar
S/o. Ramasamy
5. Jayaprakash
S/o.Ramasamy

[Respondents 3 to 5 are residing at
Muthumpalayam
Senguttupalayam-642 120
Negamam Via
Kinathukadavu Taluk
Coimbatore District].

6. Vani Shree
7. Anantha Jothi
8. Devaki

...Respondents
[in all three CMPs]

Prayers:

CMP.No.10152 of 2025: filed under Section 5 of the Limitation Act, praying to condone the delay of 125 days in filing this petition to set aside the abatement due to the death of the 2nd respondent, namely, Pakkiyammal in A.S.No. 359 of 2014.

CMP.No. 10161 of 2025: filed under Order XXII Rule 9 (2) of the Code of Civil Procedure, 1908 praying to set aside the abatement caused due to the death of the 2nd respondent, namely, Pakkiyammal in A.S.No. 359 of 2014.



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CMP.No. 10164 of 2025: filed under Order XXII Rule 4 of the Code of Civil Procedure, 1908 praying to bring on record the Respondent Nos. 6 to 8 herein as the legal heirs/legal representatives of the deceased 2nd respondent, namely, Pakkiyammal in A.S.No. 359 of 2014.

In all three CMPs:

For Petitioners	:	Ms.Mekala For Mr.N.Manoharan
For RR3 & 4	:	Mr.KB.Shrinivaas For Mr.T.P.Manokaran
For RR6 to 8	:	Mr.R.Kannan

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COMMON ORDER

(i) Civil Miscellaneous Petition No.10152 of 2025 has been filed seeking to condone the delay of 125 days in filing the petition to set aside the abatement caused due to the death of the second respondent, viz., Pakkiyammal, in A.S. 359 of 2014.

(ii) Civil Miscellaneous Petition No. 10161 of 2025 has been filed seeking to set aside the abatement caused due to the death of the second respondent, viz., Pakkiyammal, in A.S. 359 of 2014.



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(iii) Civil Miscellaneous Petition No. 10164 of 2025 has been filed seeking to bring on record the Respondent Nos.6 to 8 herein, as the legal heirs/legal representatives of the deceased second respondent, namely, Pakkiyammal, in A.S. 359 of 2014.

2.Ms.Mekala, representing Mr.N.Manoharan, learned Counsel on record for the petitioner, Mr.KB.Shrinivaas, representing Mr.T.P.Manokaran, learned Counsel on record for the Respondent Nos.3 & 4 and Mr.R.Kannan, learned Counsel on record for the Respondent Nos.6 to 8 are before this Court.

3. Heard both sides.

4. This Court has perused the affidavit filed in support of these petitions and satisfied with the reasons stated therein. Accordingly, these petitions are allowed.

5. In the result, these Civil Miscellaneous Petitions are allowed.

14.07.2025

MSM

Note: Registry is directed to carry out necessary amendments in the above appeal and list the Appeal Suit on **04.08.2025** for final hearing.



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R. SAKTHIVEL, J.,

MSM

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