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CMP NO. 7840 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-07-2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

CMP.Nos.7840, 7841 & 7842 of 2025

in

S.A.No.539 of 2018

PERUMAL

S/o. Raju @ Muniyan, No.2/202, Perumal Koil
Street, Siruvachur Village, Perambalur Taluk and
District.

Appellant(s)

Vs

SANTHOSAM

W/o. Raju@ Muniyan, Siruvachur Village,
Perambalur Taluk and District. and 7 Others

Respondent(s)

For Appellant(s):

Mr.K.M.Hareesh
For Mr.N.Loganathan
(in all petitions)

For Respondent(s):

No appearance

COMMON ORDER

The present Civil Miscellaneous Petitions have been filed to condone the delay of 2875 days in seeking to set aside the abatement caused due to the death of the 5th respondent Thangarasu in S.A.No.539 of 2018; To set aside the abatement caused due to the death of the fifth respondent and to bring the



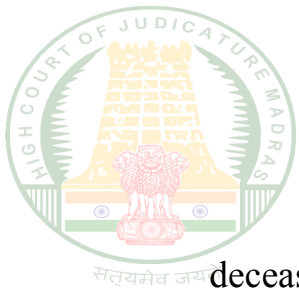
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respondents 5 to 8 herein on record as the Legal Representative of the deceased 5th respondent Thangarasu and rank them as Respondents 6 to 9 respectively.

2. When the matter is taken up for hearing, there is no representation on the side of the respondents.

3. A perusal of the documents would show that the appellant herein had initiated a suit as against the respondents 1 to 5 herein, seeking for a declaration of title and permanent injunction. It is also seen that the 2nd and 3rd respondents, with respect to the very same property, had filed an independent suit for declaration and permanent injunction. The suit filed by the appellant was dismissed, whereas the suit filed by the respondents 2 and 3 were allowed. The appeals filed as against the said judgment and decree were also dismissed.

4. On the aforesaid facts, it is clear that only the respondents 2 and 3 are the contesting respondents, as neither the first respondent nor the deceased 5th respondent had made any claim to the subject property.



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5. In such view of the matter, this Court is of the view that the deceased fifth respondent is only a formal party to the suit. Hence, I find no impediment in ordering the petitions as prayed for and therefore, the present civil miscellaneous petitions are ordered as prayed for.

6. Accordingly, the delay of 2875 days in filing the set aside abatement petition stands condoned; the abatement caused due to the death of the fifth respondent is set aside and the respondents 5 to 8 herein are brought on record as the Legal Heirs of the deceased fifth respondent as respondents 6 to 9 in the Second Appeal respectively.

25-07-2025
(1/2)

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Note: Registry is directed to carry out the necessary amendments on or before 29.08.2025.

To

1. SANTHOSAM

W/o. Raju@ Muniyan,
Siruvachur Village,
Perambalur Taluk and District.

2. SAROJA

W/O. KARUPAIAH, 37/10. KALPADI VILLAGE, PERAMBALUR TK and DT.



3. VASANTHA
W/O. THANGARAJ, 35/10, YERAIYASAMUDHIRAM VILLAGE,
PERAMBALUR TK and DT.

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4. KARUPPIAH
S/O. PERUMAL, KALPADI VILLAGE, PERAMBALUR TK and DT.

5. THANGARASU (Died)
5. Vasantha
S/O. THANGARASU, KALPADI AGARAM VILLAGE, PERAMBALUR
TK and DT.

6. MANIKANDAN
S/O. THANGARASU,
KALPADI AGARAM VILLAGE, PERAMBALUR TK and DT.

7. ANBU
S/O. THANGARASU, KALPADI AGARAM VILLAGE, PERAMBALUR
TK and DT.

8. VASUKI
D/O. THANGARASU,
KALPADI AGARAM VILLAGE, PERAMBALUR TK and DT.



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K.KUMARESH BABU, J.

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