



C.M.P.Nos.8884, 8887 & 889 of 2023 in
S.A.No.1153 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.M.P.Nos.8884, 8887 & 8892 of 2023

in

S.A.No.1153 of 2010

Parimala Thambusamy (Deceased)

- 1.Mr.Arun Thambuswamy
- 2.Mr.Ashok Thambuswamy
- 3.Mrs.Shobha Thambuswamy
- 4.Mrs.Veronica Thambuswamy
- 5.Mr.Johnson Maghimai Doss
- 6.Chandran Johnson

...Petitioners/Proposed Appellants
(in all C.M.Ps)

Vs.

M/s.Bharat Petroleum Corporation Ltd.,
Division Office,
No.7, Kodambakkam High Road,
Chennai – 600 003.

.. Respondents
(in all C.M.Ps)



C.M.P.Nos.8884, 8887 & 889 of 2023 in
S.A.No.1153 of 2010

Prayer in C.M.P.No.8884 of 2023: Petition is filed under Section 5 of the Limitation Act, to condone the delay of 258 days in filing petition to settling aside the abatement in S.A.No.1153 of 2010.

Prayer in C.M.P.No.8887 of 2023: Petition is filed under ORDER XXII Rule 9 of C.P.C., to set aside the abatement caused due to the death of the sole appellant and restore S.A.No.1153 of 2010.

Prayer in C.M.P.No.8892 of 2023: Petition is filed under ORDER 22 Rule 3 of C.P.C., to bring on record the proposed petitioners as Appellants 1 to 6 as the legal representative of the deceased sole appellant and the rank them as Appellants 2 to 7 in the above S.A.No.1153 of 2010.

For petitioners
(in all C.M.Ps)

: Mr.T.Maginderan

For Respondent
(in all C.M.Ps)

: Ms.V.Nithyasri
For M/s.S.Ramasubramaniam



C.M.P.Nos.8884, 8887 & 889 of 2023 in
S.A.No.1153 of 2010

COMMON ORDER

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These petitions are filed to condone the delay of 258 days in filing petition to settling aside the abatement in S.A.No.1153 of 2010; to set aside the abatement caused due to the death of the sole appellant and restore S.A.No.1153 of 2010; to bring on record the petitioners as Appellants 1 to 6 as the legal representative of the deceased sole appellant and to rank them as Appellants 2 to 7 in the above S.A.No.1153 of 2010.

2. Being satisfied with the reasons stated in the accompanying affidavits filed in support of these miscellaneous petitions, the petition in C.M.P.No.8884 of 2023 to condone the delay of 258 days in filing the petition to setting aside the abatement in the second appeal, and the delay of 258 days is condoned.

3. The abatement caused due to the death of the sole appellant is set



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aside and C.M.P.No.8887 of 2023 is ordered. Appellants 1 to 6 in the C.M.P are ordered to be brought on record as legal representatives of the deceased Sole appellant as appellants 2 to 7 in the appeal and the petition in C.M.P.No.8892 of 2023 is ordered.

4. Accordingly, the Second Appeal in S.A.No.1153 of 2010 and M.P.No.1 of 2010 stands restored. Registry is directed to carryout the necessary amendments in the cause title.

05.02.2025
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S.S.Sundar, J.

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in
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