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CMP No. 19757 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-09-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**CMP No. 19757 of 2025
in
WA.SR No.52658 of 2025**

A. Amirtharaj
S/o. Arumugam,

Petitioner/Appellant

Vs

1. A. Purushothaman
S/o.A.Arumugam,

2.The Sub Registrar
O/o.The Sub Registrar, Parangipettai,
Cuddalore District, -608 502.

A.Arumugam (Died on 7.02.2016)
S/o.Ayyasamy.

Respondents/respondents



PRAYER

This Civil Miscellaneous Petition has been filed under Section 151 of CPC to condone the delay of 1068 days in filing of the above WA

PRAYER in W.A.

This Writ Appeal has been filed under Section 15 of the Letters Patent to setting aside the order dated 30.03.2022 made in W.P.No.29050 of 2024.

For Appellant(s): Mr.N.Jothi,
Senior Counsel
for Mr. S.Vinod

For Respondent(s): Mr. U.Baranidharan,
Spl. Govt. Pleader, for R2

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The present miscellaneous petition has been filed to condone the delay of 1068 days in filing the writ appeal against the writ order dated 30.03.2022 in W.P.No.29050 of 2014.



2. The first respondent Mr.Purushothaman, filed the writ petition challenging the cancellation of settlement deed with regard to an extent of 3 acres 33 cents of land in resurvey no.121/1-A, 121/2 and 144/4 in document no.2548 of 2013 dated 11.10.2013 executed by the second respondent/deceased Mr.A.Arumugam, who is the father of the writ petitioner Mr.Purushothaman. The Writ Court allowed the writ petition relying on the legal principles settled by the Full Bench of this Court in the case of **Latif Estate Line India Limited /vs/ Hadeeja Ammal and others** reported in **2011(2) CTC**. The full bench held that unilateral cancellation of settlement deed is null and void.

3. The petitioner herein preferred intra-court appeal mainly on the ground that he is son of the deceased Mr.A.Arumugam and writ petitioner/Mr.Purushothaman is none other than his elder brother. Soon after the death of their father Mr.A.Arumugam, the writ petitioner Mr.Purushothaman ought to have impleaded all the legal heirs of their



deceased father Mr.Arumugam in the writ petition, which he failed to do so. Therefore, the petitioner herein has chosen to prefer an intra-court appeal, challenging the said writ order dated 30.03.2022.

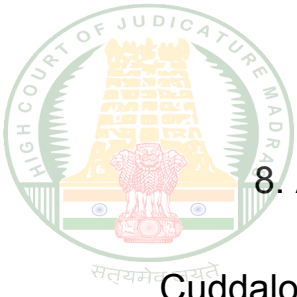
4. Mr.Jothi, the learned senior counsel appearing for petitioner would submit that the writ order has been obtained by suppressing the fact regarding the death of Mr.A.Arumugam, who is none other than the father of the petitioner and the first respondent herein. Thus, the said order is to be declared as null and void since it is passed against a dead person.

5. With regard to delay, the learned senior counsel would urge this Court that the delay in filing appeal is neither wilful nor wanton. He was not a party to the writ proceedings and not aware of the writ petition filed by his brother against his father.



6. In the context of the facts established, this Court has verified the settlement deed as well as the cancellation of the settlement deed, subject matter of the writ proceedings. Settlement deed was executed by the deceased Mr.A.Arumugam in favour of the first respondent Mr. Purushothaman (eldest son of deceased Mr. A.Arumugam). The said settlement deed had been unilaterally cancelled in document no.2548 of 2013 dated 11.10.2013 and the said cancellation of settlement deed came to be challenged in the writ petition in WP.No.29050 of 2014. Therefore, the petitioner herein is not a party to the settlement deed as well as cancellation of the settlement deed, which is under challenge in the writ proceedings. However, the fact remains that the petitioner herein Mr. Amirtharaj as well as the first respondent/Mr. Purushothaman are brothers and legal heirs of the deceased Mr.Arumugam.

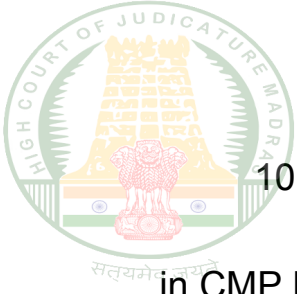
7. The learned Senior Counsel would also admit that other legal heirs are there.



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8. A civil suit in O.S.No.24 of 2013 on the file of the District Court, Cuddalore, for partition, is pending between the parties. Apart from that, Writ Appeal No. 2395 of 2025 is pending before this Court. Therefore, there is no impediment for the petitioner herein to establish his right in a civil suit with respect to the properties involved.

9. As far as the present intra-court appeal is concerned, the writ petition itself has been instituted challenging the unilateral cancellation of settlement deed executed by the deceased Mr.A.Arumugam in favour of Mr.Purushothaman, in which the petitioner herein is not a party. Therefore, his rights in respect of the said documents have not been established. Any subsequent right, if any, has arisen, it is from him to establish the same in the manner known to law.



10. With the above observations, this Civil Miscellaneous petition in CMP No.19757 of 2025 is dismissed and the WA.Sr.No.52658 of 2025 stands rejected.

(S.M.S.,J.)

(M.S..Q.,J.)

25-09-2025

Neutral Citation:Yes/No

mrp

To

The Sub Registrar
O/o.The Sub Registrar,
Parangipettai, Cuddalore District,
Pin Code -608 502.



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**S.M.SUBRAMANIAM J.
AND
MOHAMMED SHAFFIQ J.**

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