



C.M.P.Nos. 17650 to 17652 of 2024
in
A.S.No.924 of 2010

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-03-2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CMP Nos. 17650 to 17652 of 2024

in

A.S.No. 924 of 2020

Mrs. Kannammal alais Hamsaveni(died),1. Minor
J Hashini

Rep by her Custodian/Gurdian(Maternal
Grandfather), K.Rajkumar, S/o. S.Kanniah,
No.53/28, Arasamara Street, Avaramapalayam,
Coimbatore-641 006, Miss.Attaiammal(died)

Appellant(s)

Vs

Mr.A. Shanmugam
S/o. Ayyasamy, D.No.663, Subbiah Mudaliar
Street, Thomas Street, Coimbatore-641 001 and 6
Others

Respondent(s)

Prayers:

(i) CMP.No. 17650 of 2024 filed under Order XXII, Rule 9 of CPC., seeking to set aside the abatement caused due to the death of 6th respondent in the above appeal.

(ii) CMP.No. 17651 of 2024 filed u/s. 5 of the Limitation Act, seeking to condone the delay of 1757 days in filing the petition to bring on record the legal heirs of the deceased of 6th respondent in the above said appeal.

(iii) CMP.No. 17652 of 2024 filed u/o.XXII Rule 4 r/w sec.151 of the Code of Civil Procedure, seeking to bring on record the proposed parties 5 to 7 herein as the legal heir of the deceased 6th respondent K.Suresh Masanappan in the above A.S.No. 924 of 2010 and rank them as the respondents 7 to 9 in the said appeal.



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For Appellant(s) : Ms.V.S.Usharani
For Respondent-1 : Mr.T.R.Rajaraman
For RR4 and 5 : Mr.V.G.Suresh Kumar

COMMON ORDER

Civil Miscellaneous Petition No.17651 of 2024 has been filed seeking to condone the delay of 1757 days in filing the petition to bring on record the legal heirs of the deceased 6th respondent in A.S.924 of 2010.

1.1. Civil Miscellaneous Petition No.17652 of 2024 has been filed seeking bring on record the proposed parties 5 to 7 herein as the legal heir of the deceased 6th respondent, namely, K.Suresh Masanappan in the above A.S.No. 924 of 2010 and rank them as respondents 7 to 9 in the said appeal.

1.2. Civil Miscellaneous Petition No.17650 of 2024 has been filed seeking to set aside the abatement caused due to the death of 6th respondent in A.S.No.924 of 2010.

2. There are no serious objections in allowing these applications as



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the applications have been filed to bring on the LR's on record by setting aside the abatement after condoning the delay.

3. Having considered the submissions made on either side and having considered the averments made in the affidavit, all the applications are allowed.

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

19-03-2025

To

MSM

Note: Registry is directed to carry out necessary amendments in the above appeal.



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C.KUMARAPPAN, J.

MSM

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