



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2025

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

CMP No. 19375 of 2021

IN

SA NO. 1245 OF 2008

The Tamil Nadu
Industrial Investments Corporation Ltd
Rep By Its Branch Manager Mr R
Govindaraj, Sri Lakshi Complex Ist
Floor No 4/22 Omalur Main Road
Salem- 4.

Appellant(s)

Vs

PALANIYAMMAL
W/o.Palani Gounder, Sakiph Kattu,
Puthur, Sevathur-po, Thirupattur Taluk,
North Arcot Dist and others

Respondent(s)

For Petitioner:	Ms.N.Subha for Mr.A.Ramesh Kumar
For Respondents	Ms.K.Megala for Mr.N.Manokarann for R2



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ORDER

This petition has been filed seeking to condone the delay of 1823 days in bringing on record the Lrs of the deceased sixth respondent.

2. On a perusal of the affidavit filed in support of this petition, it discloses that R6 died on 20.10.2014 i.e., during the pendency of the present second appeal and the same was not within the knowledge of the petitioner/appellant.

3. According to the petitioner, the same came to the knowledge of the petitioner only on 28.06.2021 when the second respondent and the counsel for the respondents furnished the particulars of the Lrs of the deceased sixth respondent. Thus the petitioner claimed knowledge about the death of the sixth respondent only on 28.06.2021 and immediately, thereafter, i.e., on 24.08.2021, the present petition has been filed along with the petitions to set aside the abatement caused due to the death of R6 and bring on record the Lrs of the



deceased R6. If the Limitation is counted from the date of knowledge of the petitioner and the same may be within 90 days.

4.However, the second respondent opposed this petition on the ground that the petitioner/appellant has full knowledge about the death of R1, immediately, when the notices that were sent to R6, were returned un-served. Though an elaborate counter affidavit has been filed, no date is furnished and no specific averment is made with regard to the knowledge of the petitioner/appellant about the death of R6. As already noted above, R6 died in the year 2014, whereas, the present second appeal was filed in the year 2008.

5.Therefore, in the considered view of this Court, notices must have been dispatched to the respondents during the year 2008-09 as death of R6 is only in the year 2014. Therefore, it cannot be accepted that the petitioner/appellant has knowledge about the death of R6 in the year 2014 itself. R2 also disputed that the delay calculated by the petitioner/appellant as 1823 days and contended that the actual delay is 2855 days. Whatsoever be the



delay, the reason assigned in the affidavit filed in support of this petition is on the knowledge of the death of R6 and petition has been filed within 90 days of such knowledge.

6.The learned counsel for the second respondent placed reliance on the decisions of the Hon'ble Apex Court to oppose the relief, namely **(2011) 4SCC363** and **(2010) 8 SCC 685**. In the case of *Lanka Venkateswarlu(dead) by Lrs Vs.State of Andhra Pradesh and Others*, the Hon'ble Apex Court has considered the case, where after intimation of the death of the respondent and the particulars of LR's were also furnished, there was an abnormal delay of 1823 days, in bringing on record the Lrs of the deceased respondent. But in the instant case, the petition has been filed well within 90 days from the date of intimation furnished by the respondents to the petitioner/appellant. Therefore, there is no sufficient cause in the above said decision. In so far as the case of *Balwant Singh(dead) Vs. Jagdish Singh and Others* is concerned, the Hon'ble Apex Court considered the non-existence of the sufficient cause.



7. In the instant case, the reason assigned by the petitioner/appellant in affidavit filed in support of this petition is that the knowledge about the death of R6 to the petitioner /appellant is only on 28.06.2021, when the intimation was given by the second respondent to the petitioner/appellant. Therefore, the length of delay is totally immaterial as there is sufficient cause. However, this Court is of the considered view that the delay can be condoned subject to payment of reasonable costs.

8. Accordingly, this petition is allowed subject to the condition that the petitioner /appellant pays a sum of Rs.5000/- to the learned counsel for the second respondent namely Ms.K.Megala, learned counsel representing Mr.N.Manokaran, learned counsel on record, within a period of four weeks from today.

30-10-2025

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To
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1.PALANIYAMMAL

W/o.Palani Gounder, Sakiph Kattu,
Puthur, Sevathur-po, Thirupattur Taluk,
North Arcot Dist.

2.RAMASWAMY

W/o.Raja Gounder, Raja Muthaliar
Kottam, Puthur, Sevathur-po,
Thirupattur Taluk, North Arcot Dist.

3.RANGANATHAN

S/o.Raja Gounder, Raja Muthaliar
Kottam, Puthur, Sevathur-po,
Thirupattur Taluk, North Arcot Dist.

4.THANKAVELU

S/o.Chinna Gounder, No.1 And 2,
Maragaundan Valavu, Olakkachinnur
Po, Vaikundam Village, Sangagiri
Taluk, Salem Dist.

5.SELLAMMAL

D/o.Chinna Gounder, W/o.
Thankavelu, Kollinchi Kattur,
Olakkachinnur Po, Vaikundam
Village, Sangagiri Tk, Salem Dist.

6.CHINNAMMAL

D/o.Sellappa Gounder, W/o. Chinnan
Gounder, Pancha Goundalur,



Kasthuripatti Village, Sangagiri Tk,
Salem Dist.

WEB

7.Catholic Syrian Bank Ltd.

Branch Manager, Erode Road, Erode

8.RAJAMMAL

W/o.Late Raja Gounder, Mosagaundan
Valaivu, Olakkachinnur Po,
Vaikundam Village, Sangagiri Tk,
Salem Dist.

9.ATHAYEE

W/o.Palani Gounder, Chakip Kadu,
Puthu, Sevathur Po, Thirupattur Tk,
North Arcot Dist.

10.SELLAMMAL

W/o.Marappah Gounder, Veerakkadu,
Valakuttai, Vaikundam Village,
Sangagiri Tk, Salem Dist.

11.VARUDHAYEE

D/o.Kaneshan Alice Ramaswamy,
Rasamuthaliar, Puthu, Sevathur Po,
Thirupattur Tk, North Arcot Dist.

12.ALAGAMMAL

W/o.Palanivel, Echampalayam,
Vaikundam Village, Sangagiri Tk,
Salem Dist.

13.MUTHAYEE

W/o.Ramaswamy, Ramaswamy Kattu,
Erukalur Village, Sangagiri Tk, Salem



Dist.

14.Palani Gounder,

Door No.7/42, Thekkuthottam,
Kannurapatti, Po Via Nathamedu,
Puduchathiram-637104

15.P.Mohanvel

S/o.Palani Gounder, Door No.7/42,
Thekkuthottam, Kannurapatti, Po Via
Nathamedu, Puduchathiram-637104

16.SAMPOORNAM

W/o.Venkatesh Door No.7/42,
Thekkuthottam, Kannurapatti, Po Via
Nathamedu, Puduchathiram-637104

17.C.Ramasamy

S/o.Chinnan Gounder,
Panjagoundanur, Kasturipatti Village,
Sangagiri Tk, Salem District

18.C.Rajammal

W/o.Ramasamy, Pappankadu,
Maravampalayam, Vadugapatti Post,
Sangagiri Tk, Salem District

19.R.Palanivel

S/o.Ramasamy Gounder,
Echampalayam, Kedikkaval Village,
Sangagiri Tk, Salem District

20.P.Pappa



W/o.Chandrasekaran, Echampalayam,
Kedikkaval Village, Sangagiri Tk,
Salem District

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21.P.Jothi

W/o.Kandasamy, Echampalayam,
Kedikkaval Village, Sangagiri Tk,
Salem District

22.P.Madhappan

S/o.Palanivel, Echampalayam,
Kedikkaval Village, Sangagiri Tk,
Salem District



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