



C.M.P. Nos.15405, 15415 & 15406 of 2023
in S.A.No.1189 of 2005

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP NO. 15405 of 2023, CMP NO. 15415 OF 2023 &

CMP NO. 15406 OF 2023

IN

SA NO. 1189 OF 2005

DHANSEKARAN

Appellant(s)

Vs

J Thonitiram
and 5 Others

Respondent(s)

For Appellant(s):

Mr. R.VASUDEVAN

For Respondent(s):

Mr. BOMMURAJ FOR R1

R2 – DIED

Mr.R.SIDDHARTH
GOVT. ADVOCATE FOR R3

Ms.P.T.RAMADEVI FOR R4

NO APPEARANCE – RR5 & RR6



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ORDER

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These Civil Miscellaneous Petitions have been filed seeking to condone the delay of 327 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of 2nd respondent, and to bring on record the proposed respondents 5 and 6 herein as legal representatives of deceased 2nd respondent.

2. Mr.R.Vasudevan, learned counsel for petitioners/appellants submitted that pending appeal, 2nd respondent died on 27.04.2021. He would submit that the proposed respondents 5 and 6 are her sons. He would submit that the petitioner came to know about her death belatedly and it is not due to any willful negligence on his part. However, the delay of 327 days arose and the delay is neither willful nor wanton. Hence, he has filed the above petitions.

3. The learned counsel for respondents 1,3 and 4 to 6 appeared and raised formal objections in allowing these petitions.

4. On considering the facts and circumstances and being satisfied with the reasons assigned in the affidavit, all the petitions are allowed. The proposed legal representatives of the 2nd respondent are impleaded as respondents 5 and 6 in the above Second Appeal. The Registry is directed to carry out the necessary amendment in the cause title.

5. Issue notice to the newly added respondents through court returnable by 18.02.2025. Private Notice is also permitted.

6. Post the matter on 18.02.2025.

02.01.2025

rpp



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1. District Collector
Chennai District,
Rajaji Salai,
Chennai-1
2. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-3
3. The Public Prosecutor,
High Court,
Madras.



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T.V.THAMILSELVI, J.

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