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CMP.Nos.17159, 17164 & 17997 of 2025 in A.S.No.632 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

CMP.Nos.17159, 17164 & 17997 of 2025

in

A.S.No.632 of 2019

1. Mrs.Rajathi
2. Mrs.Rathinam
3. Mr.Manikandan
4. Mrs.Anitha

... Petitioners /
Appellants in all CMPs

Vs.

- Mrs. Kaaliammal
1. Mrs. Mylathal @ Mani
- Mrs. Kalamani (died)
2. Mr. Varadharaj
 3. Mr. Ranganathan
 4. Mrs. Latha
 5. Mrs.Chinnakannan
- Mr.Vellingiri (died)
6. Mrs.Subbulakshmi
 7. Mrs. Maragatham
 8. Mrs. Chinnamani
 9. Mr.M.Kanagaraj
 10. Mrs.Baby @ Kanchana
 11. Mrs. Palaniammal

... Respondents 1 to 11 /
Respondents 1 to 12 in all CMPs

12. Kanagasabapathi
13. Kumar
- 14.Ayisha

... Respondents 12, 13,14 /
Proposed respondents 13, 14, 15 /
Legal heirs of deceased 2nd respondent
in all CMPs

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PRAYER IN CMP.No.17159 of 2025 : This Civil Miscellaneous Petition filed under Section 5 of Limitation Act, praying to condone the delay of 454 days in filing application for set aside the abetment caused by the death of second respondent in the main appeal namely Mrs.Kalamani, who died on 12.02.2024.

PRAYER IN CMP.No.17164 of 2025 : This Civil Miscellaneous Petition filed under Order XXII Rule 9 (2) of Code of Civil Procedure, 1908, praying to set aside the abatement caused by the death of second respondent in main appeal namely Mrs.Kalamani, who died on 12.02.2024.

PRAYER IN CMP.No.17997 of 2025 : This Civil Miscellaneous Petition filed under Order XXII Rule 3 of Code of Civil Procedure, 1908, praying to bring the respondents 12, 13 and 14 proposed respondents as the legal heirs of the second respondent herein namely

(i) Kanagasabapathy, S/o. Solaraj, Hindu, aged about 39 years, residing No.39/34, Thilagar veethi Kovimedu, Velandipalayam, Thelungupalayam Village, Coimbatore North Taluk, Coimbatore District.

(ii) Kumar, S/o.Solaraj, Hindu, aged about 38 years, residing No.39/34, Thilagar Veethi Kovimedu, Velandipalayam, Thelungupalayam Village, Coimbatore North Taluk, Coimbatore District.

(iii) Ayisha, D/o. Solaraj, Hindu aged about 37 years residing No.39/34, Thilagar veethi Kovimedu, Velandipalayam, Thelungupalayam Village, Coimbatore North Taluk, Coimbatore District.

as respondents 13, 14, 15 in A.S.No.632 of 2019.



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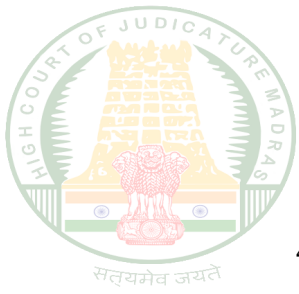
For Petitioners : Mr.K.Sudhakar
For Respondents : Mr.R.Susendhiran for R1 to R4 & R12 to R14
: Mr.A.Duraieswar for R6 to R11

COMMON ORDER

CMP.No.17159 of 2025 has been filed to condone the delay of 454 days in filing application for set aside the abetment caused by the death of second respondent in the main appeal namely Mrs.Kalamani, who died on 12.02.2024.

2. CMP.No.17164 of 2025 has been filed to set aside the abatement caused by the death of second respondent in main appeal namely Mrs.Kalamani, who died on 12.02.2024.

3. CMP.No.17997 of 2025 has been filed to bring the respondents 12, 13 and 14 herein namely (i) Kanagasabapathy, (ii) Kumar and (iii) Ayisha, the legal heirs of the deceased second respondent Mrs.Kalamani and rank them as respondents 13, 14 and 15 in the above A.S.No.632 of 2019.



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4. Heard Mr. K.Sudhakar, learned counsel on record for the petitioners, Mr.R.Susendhiran, learned counsel on record for the respondent Nos.1 to 4 & 12 to 14 and Mr.A.Duraieswar, learned counsel on record for the respondent Nos.6 to 11.

5. This Court has perused the affidavits filed in support of the petitions and on being satisfied with the reasons stated in the aforesaid affidavits and also considering the submissions made on either side, this Court is inclined to allow these petitions. Accordingly, these civil miscellaneous petitions are allowed without costs.

25.07.2025

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



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R.SAKTHIVEL, J.

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