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CMP.Nos.15659, 15663 & 15661 of 2025 in A.S.No.529 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

CMP.Nos.15659, 15663 & 15661 of 2025

in

A.S.No.529 of 2019

Mrs. Kaaliammal

... Sole Plaintiff

1. Mrs.Mylathal @ Mani

Mrs. Kalamani (died)

2. Mr. Varadharaj

3. Mr. Ranganathan

4. Mrs. Latha

... Petitioners 1 to 4 /

Appellants 1,3, 4 & 5 in all CMPs

5. Kanagasabapathi

6. Kumar

7. Ayisha

... Petitioners 5, 6 & 7 /

Proposed appellants 6, 7 & 8 /

Legal heirs of deceased 2nd appellant
in all CMPs

Vs.

1. Mrs. Rajathi

2. Mrs.Chinnakannan

Mr.Vellingiri (died)

3. Mrs. Rathinam

4. Mr. Manikandan

5. Mrs.Anitha

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 / Defendants in all CMPs

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PRAYER IN CMP.No.15659 of 2025 : This Civil Miscellaneous Petition filed under Section 5 of Limitation Act, praying to condone the delay of 334 days in filing application for set aside the abetment caused by the death of second appellant namely Mrs.Kalamani, who died on 12.02.2024.

PRAYER IN CMP.No.15663 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 the second appellant namely Mrs.Kalamani, who died on 12.02.2024.

PRAYER IN CMP.No.15661 of 2025 : This Civil Miscellaneous Petition filed under Order XXII Rule 3 of Code of Civil Procedure, 1908, praying to bring on record the petitioners 5, 6, & 7 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 appellants 6, 7 & 8 in A.S.No.529 of 2019.

For Petitioners : Mr.R.Susendhiran

For Respondents : Mr.K.Sudhakar for R1, R3 to R5

: Mr.A.Duraieswar for R6 to R11



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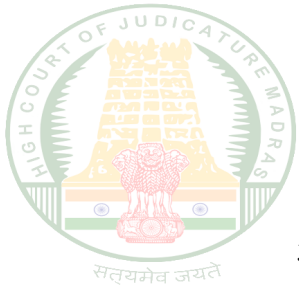
COMMON ORDER

CMP.No.15659 of 2025 has been filed to condone the delay of 334 days in filing application for set aside the abetment caused by the death of second appellant namely Mrs.Kalamani, who died on 12.02.2024.

2. CMP.No.15663 of 2025 has been filed to set aside the abatement caused by the death of the second appellant namely Mrs.Kalamani, who died on 12.02.2024.

3. CMP.No.15661 of 2025 has been filed to bring on record the petitioners 5, 6, & 7 herein namely (i) Kanagasabapathy, (ii) Kumar and (iii) Ayisha, the legal heirs of the deceased second appellant Mrs.Kalamani and rank them as appellants 6, 7 & 8 in the above A.S.No.529 of 2019.

4. Heard Mr. Mr.R.Susendhiran, learned counsel on record for the petitioners, K.Sudhakar, learned counsel on record for the respondent Nos. 1, 3 to 5 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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25 / 07 / 2025

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