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CMP.Nos.16638, 16640 & 16647 of 2025 in A.S.No.351 of 1993



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

CMP.Nos.16638, 16640 & 16647 of 2025
in
A.S.No.351 of 1993

C.Doraisamy (Died)
1. D.S.Gunasekaran

... Petitioner /
2nd Appellant in all CMPs

Vs.

C.Sengottaian (Died)
Samiyathal (Died)
Kolandasamy (Died)
1. Dhachanamoorthy
2. Chinnathal @ Nirmaladevi (not heard of)
3. Saroja @ Saraswathi
4. Thulasiammal (not heard of)
5. Vijayakumar
D.Kanagaraj (Died)
6. Damayanthi
7. Selvanayagi

... Respondents /
Respondents in all CMPs

8. Tmt. Gajalakshmi

... Proposed Respondent /
Legal heirs of deceased 9th respondent
in all CMPs



PRAYER IN CMP.No.16638 of 2025 : This Civil Miscellaneous Petition filed under Section 5 of Limitation Act, praying to condone the delay of 1068 days in filing petition to set aside the abetment caused due to the death of ninth respondent Mr.Kanagaraj in the above first appeal in A.S.No.351 of 1993.

PRAYER IN CMP.No.16640 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 due to the death of ninth respondent Mr.Kanagaraj in the above first appeal in A.S.No.351 of 1993.

PRAYER IN CMP.No.16647 of 2025 : This Civil Miscellaneous Petition filed under Order XXII Rule 4 of Code of Civil Procedure, 1908, praying to bring on record Mrs.K.Gajalakshmi, who is the proposed respondent herein as the legal heirs of the deceased ninth respondent Mr.Kanagaraj as the twelveth respondent in the above first appeal in A.S.No.351 of 1993.

For Petitioner : Mr.D.Selvaraju in all CMPs
For R1 to R3 : Mr.R.P.Ruban Chakaravathy
for M/s.V.V.Sathya in all CMPs
For R5 : Mr.R.P.Ruban Chakaravathy in all CMPs
For R6 & R7 : Mr.S.Vijaya Kumar in all CMPs



COMMON ORDER

CMP.No.16638 of 2025 has been filed to condone the delay of 1068 days in filing petition to set aside the abetment caused due to the death of ninth respondent Mr.Kanagaraj in the above appeal suit in A.S.No.351 of 1993.

2. CMP.No.16640 of 2025 has been filed to set aside the abatement caused due to the death of ninth respondent Mr.Kanagaraj in the above appeal suit in A.S.No.351 of 1993.

3. CMP.No.16647 of 2025 has been filed to bring on record Mrs.K.Gajalakshmi, who is the proposed respondent herein as the legal heirs of the deceased ninth respondent Mr.Kanagaraj as the twelveth respondent in the above appeal suit in A.S.No.351 of 1993.

4. Heard Mr.D.Selvaraju, learned counsel on record for the petitioner, Mr.R.P.Ruban Chakaravarthy, representing M/s.V.V.Sathya, learned counsel on record for the respondent Nos.1 to 3, Mr.R.P.Ruban Chakaravarthy, learned counsel on record for the fifth respondent and Mr.S.Vijaya Kumar, learned counsel on record for the respondent Nos. 6 & 7.



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.

04.08.2025

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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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04 / 08 / 2025

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