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CMP.Nos.16696, 16854, 16856, 17056, 17060 & 17063 of 2025

in

A.S.No.318 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2025

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CMP.Nos.16696, 16854, 16856, 17056, 17060 & 17063 of 2025

in

A.S.No.318 of 2015

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Sengottaian (Died)

- 1.Karunai Ammal
- 2.Sumathi
- 3.Mani @ Loganathan
- 4.S.Paripoornam

..Petitioners
[In all six petitions]

Versus

C.Duraisamy (Died)
Samiyathal (Died)
Kolandasamy (Died)

- 1.Dhachinamoorthy
- 2.Saroja @ Saraswathi
- 3.(Chinnathal) Chinnathal @ Nirmaladevi
- 4.Thulasiammal (Not heard of)
- 5.Vijayakumar
- 6.D.S.Gunasekaran
- 7.Gajalakshmi
- 8.Damanyanthi
- 9.Selvanayagi

.. Respondents
[In all six petitions]



CMP.Nos.16696, 16854, 16856, 17056, 17060 & 17063 of 2025

in
A.S.No.318 of 2015

(i) CMP.No.16696 of 2025: filed under Order XXII Rule 9(2) of the Code of Civil Procedure, 1908 praying to set aside the abatement caused by the death of sole appellant-Sengottaian in A.S.No.318 of 2015.

(ii) CMP.No.16854 of 2025: filed under Section 5 of the Limitation Act, praying to condone the delay of 2202 days in filing the petition to set aside the abatement caused due to the death of the sole appellant-Sengottaian in A.S.No.318 of 2015.

(iii) CMP.No.16856 of 2025: filed under Order XXII Rule 3 of the Code of Civil Procedure, 1908 praying to bring on record the petitioners 1 to 4 herein, as the legal representatives of the deceased sole appellant-Sengottaian and array them as the appellants 2 to 5 in A.S.No.318 of 2015.

(iv) CMP.No.17056 of 2025: filed under Section 5 of the Limitation Act, praying to condone the delay of 2093 days in filing the petition to set aside the abatement caused due to the death of the 1st respondent-Duraisamy in A.S.No.318 of 2015.

(v) CMP.No.17060 of 2025: filed under Order XXII Rule 9(2) of the Code of Civil Procedure, 1908 praying to set aside the abatement caused by the death of 1st respondent-Duraisamy in A.S.No.318 of 2015.

(vi) CMP.No.17063 of 2025: filed under Order XXII Rule 3 of the Code of Civil Procedure, 1908 praying to bring on record the Respondent Nos.6 to 9 herein, as the legal representatives of the 1st respondent-Duraisamy and array them as the Respondent Nos.10 to 13 in A.S.No.318 of 2015.



CMP.Nos.16696, 16854, 16856, 17056, 17060 & 17063 of 2025

in
A.S.No.318 of 2015

In all Civil Miscellaneous Petitions:-

For Petitioners : Mr.S.Kaithamalaikumaran

For Respondent Nos.1 to 3 : Mr.Ruban Chakaravarthy
For M/s.V.V.Sathya

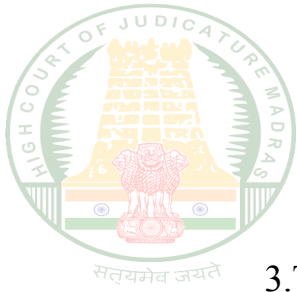
For Respondent No.6 : Mr.D.Selvaraj

For Respondent Nos.8 & 9 : Mr.S.Vijayakumar

COMMON ORDER

Mr.S.Kaithamalaikumaran, learned Counsel on record for the petitioners; Mr.Ruban Chakaravarthy, representing M/s.V.V.Sathya, learned Counsel on record for the Respondent Nos.1 to 3; Mr.D.Selvaraj, learned Counsel on record for the Respondent No.6; and Mr.S.Vijayakumar, learned Counsel on record for the Respondent Nos.8 and 9 are before this Court.

2.The learned Counsel for the Respondent Nos.6 to 9 submits that the Respondent No.1-Duraisamy, passed away leaving behind the Respondent Nos.6 to 9 as his legal heirs/legal representatives of the deceased.



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3.This Court has perused the affidavit filed in support of these petitions.

4.It is stated that the sole appellant-Sengottaian, passed away on January 24, 2019 leaving behind the petitioners 1 to 4 as his legal heirs/legal representatives. Reasons are satisfied.

5.In view of the submissions from both sides and in view of the reason stated in the affidavit, this Court is inclined to allow these Civil Miscellaneous Petitions. Hence, Civil Miscellaneous Petitions are allowed.

06.08.2025

MSM

Note:Registry shall carry out necessary amendment in A.S.No.318 of 2015 and list the same on **13.08.2025.**



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A.S.No.318 of 2015

R. SAKTHIVEL, J

MSM

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