



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 04.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

CMP NOS.27339, 27346, 27349, 27350, 27351 AND 27355 OF 2023

AND

10455, 10457, 10467, 11220, 11222 AND 11229 OF 2025

IN

A.S.NO.137 OF 2010

CMP NO.27339 / 2023

Thirumal Azhagu Nadar (Deceased)

T.Mythili Devi

...

Appellant

...

Petitioner /

2nd Appellant

Vs.

1.Kumar

2.K.Nandakumar

K.Muthu (Deceased)

3.V.Padmavathy

4.T.Veerasekar

5.S.Seethalakshmi

6.V.Meena

7.S.Prema

8.R.Manickam

9.R.Kannan

10.S.Nagarajan

11.S.Soundarapandian

12.K.Sridevi

13.S.Shanthi

14.S.Saravanan

15.S.Ettiyappan



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D.Venkatesh (deceased)

16.V.Chakravarthi

D.Gnanasekar (Deceased)

17.M.Dhandapani

18.K.Amulu @ Amudha

19.R.Anjalai

20.K.Pattammal

21.R.Selvaraj

22.K.Gajalakshmi

23.S.Srinivasan

24.V.Jayaraman

25.K.Udhayasuriyan

26.R.Gangammal

27.D.Vijayalakshmi

28.B.Srinivasa Rao

... Respondents /
Respondents

29.Kumutha

30.Dhanalakshmi

31.Pavithra

32.Gunasekar

33.Rajeshwari

(R29 to R33 are legal heirs of D.Venkatesh

all are residing at Door No.6,

Balaji Nagar Street, Thiruverkadu,

Chennai)

... Respondents 29 to 33 /
Proposed Respondents 32 - 36

34.Vasanthi

35.Murali

36.Magesh

37.Kannammal

... Respondents 34 to 37 /
Proposed Respondents 37 - 40

(R34 to R37 are legal heirs of

D.Gnanasekar

all are residing at Door No.1, Balaji Nagar,

Near Mahalakshmi Nagar, Thiruverkadu,

Chennai – 600 077.)



PRAYER: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, praying to condone the delay of 3845 days in seeking to set aside the abatement caused on the death of the 17th respondent viz., D.Venkatesh.

CMP NO.27346 / 2023

Thirumal Azhagu Nadar (Deceased)	...	Appellant
T.Mythili Devi	...	Petitioner /
		2 nd Appellant

Vs.

1.Kumar
2.K.Nandakumar

K.Muthu (Deceased)

3.V.Padmavathy
4.T.Veerasekar
5.S.Seethalakshmi
6.V.Meena
7.S.Prema
8.R.Manickam
9.R.Kannan
10.S.Nagarajan
11.S.Soundarapandian
12.K.Sridevi
13.S.Shanthi
14.S.Saravanan
15.S.Ettiyappan

D.Venkatesh (deceased)
16.V.Chakravarthi

D.Gnanasekar (Deceased)
17.M.Dhandapani
18.K.Amulu @ Amudha
19.R.Anjalai



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20.K.Pattammal

21.R.Selvaraj

22.K.Gajalakshmi

23.S.Srinivasan

24.V.Jayaraman

25.K.Udhayasuriyan

26.R.Gangammal

27.D.Vijayalakshmi

28.B.Srinivasa Rao

... Respondents /
Respondents

29.Kumutha

30.Dhanalakshmi

31.Pavithra

32.Gunasekar

33.Rajeshwari

(R29 to R33 are legal heirs of D.Venkatesh

all are residing at Door No.6,

Balaji Nagar Street, Thiruverkadu,

Chennai)

... Respondents 29 to 33 /
Proposed Respondents 32 - 36

34.Vasanthi

35.Murali

36.Magesh

37.Kannammal

... Respondents 34 to 37 /
Proposed Respondents 37 - 40

(R34 to R37 are legal heirs of

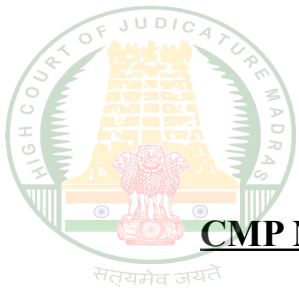
D.Gnanasekar

all are residing at Door No.1, Balaji Nagar,

Near Mahalakshmi Nagar, Thiruverkadu,

Chennai – 600 077.)

PRAYER: Civil Miscellaneous Petition filed under Order XXII Rule 4 read with Rule 9 of the Code of Civil Procedure, 1908 praying to bring the Legal Representatives of the 17th respondent viz., D.Venkatesh (1) Mrs.Kumutha (2) Dhanalakshmi (3) Pavithra (4) Gunasekar and (5) Rajeshwari, all are residing at Door No.6, Balaji Nagar, Thiruverkadu, Chennai, on record.



CMP NO.27349 / 2023

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Thirumal Azhagu Nadar (Deceased)
T.Mythili Devi

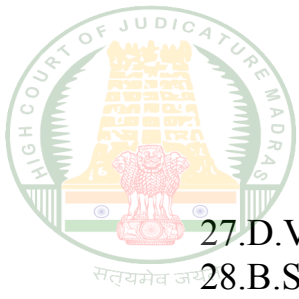
... Appellant
... Petitioner /
2nd Appellant

Vs.

1.Kumar
2.K.Nandakumar
K.Muthu (Deceased)
3.V.Padmavathy
4.T.Veerasekar
5.S.Seethalakshmi
6.V.Meena
7.S.Prema
8.R.Manickam
9.R.Kannan
10.S.Nagarajan
11.S.Soundarapandian
12.K.Sridevi
13.S.Shanthi
14.S.Saravanan
15.S.Ettiyappan

D.Venkatesh (deceased)
16.V.Chakravarthi

D.Gnanasekar (Deceased)
17.M.Dhandapani
18.K.Amulu @ Amudha
19.R.Anjalai
20.K.Pattammal
21.R.Selvaraj
22.K.Gajalakshmi
23.S.Srinivasan
24.V.Jayaraman
25.K.Udhayasuriyan
26.R.Gangammal



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27.D.Vijayalakshmi

28.B.Srinivasa Rao

... Respondents /
Respondents

29.Kumutha

30.Dhanalakshmi

31.Pavithra

32.Gunasekar

33.Rajeshwari

(R29 to R33 are legal heirs of D.Venkatesh

all are residing at Door No.6,

Balaji Nagar Street, Thiruverkadu,
Chennai)

... Respondents 29 to 33 /
Proposed Respondents 32 - 36

34.Vasanthi

35.Murali

36.Magesh

37.Kannammal

... Respondents 34 to 37 /
Proposed Respondents 37 - 40

(R34 to R37 are legal heirs of

D.Gnanasekar

all are residing at Door No.1, Balaji Nagar,
Near Mahalakshmi Nagar, Thiruverkadu,
Chennai – 600 077.)

PRAYER: Civil Miscellaneous Petition filed under Order XXII Rule 9(2) of the Code of Civil Procedure, 1908, praying to set aside the abatement caused on the death of the 17th respondent D.Venkatesh.

CMP NO.27350 / 2023

Thirumal Azhagu Nadar (Deceased)

T.Mythili Devi

... Appellant
... Petitioner /
2nd Appellant

Vs.

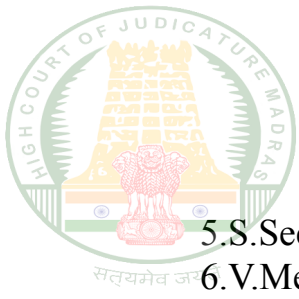
1.Kumar

2.K.Nandakumar

K.Muthu (Deceased)

3.V.Padmavathy

4.T.Veerasekar



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5.S.Seethalakshmi

6.V.Meena

7.S.Prema

8.R.Manickam

9.R.Kannan

10.S.Nagarajan

11.S.Soundarapandian

12.K.Sridevi

13.S.Shanthi

14.S.Saravanan

15.S.Ettiyappan

D.Venkatesh (deceased)

16.V.Chakravarthi

D.Gnanasekar (Deceased)

17.M.Dhandapani

18.K.Amulu @ Amudha

19.R.Anjalai

20.K.Pattammal

21.R.Selvaraj

22.K.Gajalakshmi

23.S.Srinivasan

24.V.Jayaraman

25.K.Udhayasuriyan

26.R.Gangammal

27.D.Vijayalakshmi

28.B.Srinivasa Rao

... Respondents /
Respondents

29.Kumutha

30.Dhanalakshmi

31.Pavithra

32.Gunasekar

33.Rajeshwari

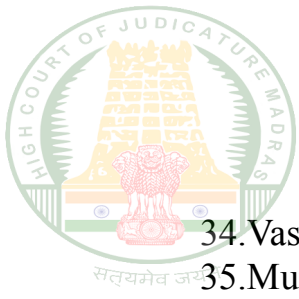
(R29 to R33 are legal heirs of D.Venkatesh

all are residing at Door No.6,

Balaji Nagar Street, Thiruverkadu,

Chennai)

... Respondents 29 to 33 /
Proposed Respondents 32 - 36



34.Vasanthi

35.Murali

36.Magesh

37.Kannammal

...

Respondents 34 to 37 /

(R34 to R37 are legal heirs of

Proposed Respondents 37 - 40

D.Gnanasekar

all are residing at Door No.1, Balaji Nagar,

Near Mahalakshmi Nagar, Thiruverkadu,

Chennai – 600 077.)

PRAYER: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, praying to condone the delay of 4509 days in seeking to set aside the abatement caused on the death of the 19th respondent viz., D.Gnanasekar.

CMP NO.27351 / 2023

Thirumal Azhagu Nadar (Deceased)

...

Appellant

T.Mythili Devi

...

Petitioner /

2nd Appellant

Vs.

1.Kumar

2.K.Nandakumar

K.Muthu (Deceased)

3.V.Padmavathy

4.T.Veerasekar

5.S.Seethalakshmi

6.V.Meena

7.S.Prema

8.R.Manickam

9.R.Kannan

10.S.Nagarajan

11.S.Soundarapandian

12.K.Sridevi

13.S.Shanthi

14.S.Saravanan

15.S.Ettiappan



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D.Venkatesh (deceased)

16.V.Chakravarthi

D.Gnanasekar (Deceased)

17.M.Dhandapani

18.K.Amulu @ Amudha

19.R.Anjalai

20.K.Pattammal

21.R.Selvaraj

22.K.Gajalakshmi

23.S.Srinivasan

24.V.Jayaraman

25.K.Udhayasuriyan

26.R.Gangammal

27.D.Vijayalakshmi

28.B.Srinivasa Rao

... Respondents /
Respondents

29.Kumutha

30.Dhanalakshmi

31.Pavithra

32.Gunasekar

33.Rajeshwari

(R29 to R33 are legal heirs of D.Venkatesh

all are residing at Door No.6,

Balaji Nagar Street, Thiruverkadu,

Chennai)

... Respondents 29 to 33 /
Proposed Respondents 32 - 36

34.Vasanthi

35.Murali

36.Magesh

37.Kannammal

... Respondents 34 to 37 /
Proposed Respondents 37 - 40

(R34 to R37 are legal heirs of

D.Gnanasekar

all are residing at Door No.1, Balaji Nagar,

Near Mahalakshmi Nagar, Thiruverkadu,

Chennai – 600 077.)



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PRAYER: Civil Miscellaneous Petition filed under Order 22 Rule 9(2) of the Code of Civil Procedure, 1908, praying to set aside the abatement caused on the death of the 19th respondent D.Gnanasekar.

CMP NO.27355 / 2023

Thirumal Azhagu Nadar (Deceased)	...	Appellant
T.Mythili Devi	...	Petitioner /
		2 nd Appellant

Vs.

1.Kumar
2.K.Nandakumar

K.Muthu (Deceased)

3.V.Padmavathy
4.T.Veerasekar
5.S.Seethalakshmi
6.V.Meena
7.S.Prema
8.R.Manickam
9.R.Kannan
10.S.Nagarajan
11.S.Soundarapandian
12.K.Sridevi
13.S.Shanthi
14.S.Saravanan
15.S.Ettiyappan

D.Venkatesh (deceased)
16.V.Chakravarthi

D.Gnanasekar (Deceased)
17.M.Dhandapani
18.K.Amulu @ Amudha
19.R.Anjalai



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20.K.Pattammal

21.R.Selvaraj

22.K.Gajalakshmi

23.S.Srinivasan

24.V.Jayaraman

25.K.Udhayasuriyan

26.R.Gangammal

27.D.Vijayalakshmi

28.B.Srinivasa Rao

... Respondents /
Respondents

29.Kumutha

30.Dhanalakshmi

31.Pavithra

32.Gunasekar

33.Rajeshwari

(R29 to R33 are legal heirs of D.Venkatesh
all are residing at Door No.6,
Balaji Nagar Street, Thiruverkadu,
Chennai)

... Respondents 29 to 33 /
Proposed Respondents 32 - 36

34.Vasanthi

35.Murali

36.Magesh

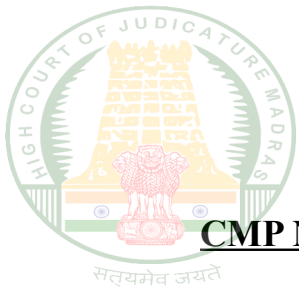
37.Kannammal

(R34 to R37 are legal heirs of
D.Gnanasekar

all are residing at Door No.1, Balaji Nagar,
Near Mahalakshmi Nagar, Thiruverkadu,
Chennai – 600 077.)

... Respondents 34 to 37 /
Proposed Respondents 37 - 40

PRAYER: Civil Miscellaneous Petition filed under Order XXII Rule 4 read with Rule 9 of the Code of Civil Procedure, 1908 praying to bring the Legal Representatives of the 19th respondent viz., D.Gnanasekar (1) Mrs.Vasanthi (2) Murali (3) Magesh and (4) Mrs.Kannammal, all are residing at Door No., Balaji Nagar, Near Mahalakshmi Nagar, Thiruverkadu, Chennai, on record.



CMP NO.10455 / 2025

WEB COPY

Thirumal Azhagu Nadar (Deceased)
T.Mythili Devi

... Appellant
... Petitioner /
2nd Appellant

Vs.

1.Kumar
2.K.Nandakumar
3.K.Muthu
4.V.Padmavathy
5.T.Veerasekar
6.S.Seethalakshmi
7.V.Meena
8.S.Prema
9.R.Manickam
R.Kannan
10.S.Nagarajan
11.S.Soundarapandian
12.K.Sridevi
13.S.Shanthi
14.S.Saravanan
S.Ettiyappan (Deceased)
15.Venkatesh
16.V.Chakravarthi
17.Gnanasekar
18.M.Dhandapani
19.K.Amulu @ Amudha
20.R.Anjalai
21.K.Pattammal
22.R.Selvaraj
23.K.Gajalakshmi
24.S.Srinivasan
25.V.Jayaraman
26.K.Udhayasuriyan
27.R.Gangammal
28.D.Vijayalakshmi
29.B.Srinivasa Rao

... Respondents /
Respondents



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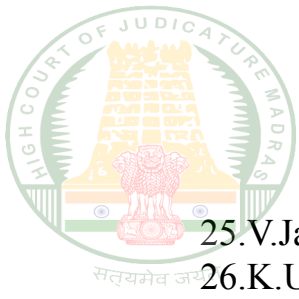
PRAYER: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, praying to condone the delay of 258 days in filing the petition seeking to set aside the abatement caused on the death of the 16th respondent.

CMP NO.10457 / 2025

Thirumal Azhagu Nadar (Deceased)	...	Appellant
T.Mythili Devi	...	Petitioner /
		2 nd Appellant

Vs.

- 1.Kumar
- 2.K.Nandakumar
- 3.K.Muthu
- 4.V.Padmavathy
- 5.T.Veerasekar
- 6.S.Seethalakshmi
- 7.V.Meena
- 8.S.Prema
- 9.R.Manickam
- R.Kannan
- 10.S.Nagarajan
- 11.S.Soundarapandian
- 12.K.Sridevi
- 13.S.Shanthi
- 14.S.Saravanan
- S.Ettiyappan (Deceased)
- 15.Venkatesh
- 16.V.Chakravarthi
- 17.Gnanasekar
- 18.M.Dhandapani
- 19.K.Amulu @ Amudha
- 20.R.Anjalai
- 21.K.Pattammal
- 22.R.Selvaraj
- 23.K.Gajalakshmi
- 24.S.Srinivasan



25.V.Jayaraman

26.K.Udhayasuriyan

27.R.Gangammal

28.D.Vijayalakshmi

29.B.Srinivasa Rao

... Respondents /
Respondents

PRAYER: Civil Miscellaneous Petition filed under Order 22 Rule 9(2) of the Code of Civil Procedure, 1908 praying to set aside the abatement caused on the death of the 16th respondent.

CMP NO.10467 / 2025

Thirumal Azhagu Nadar (Deceased)

T.Mythili Devi

... Appellant
... Petitioner /
2nd Appellant

Vs.

1.Kumar

2.K.Nandakumar

3.K.Muthu

4.V.Padmavathy

5.T.Veerasekar

6.S.Seethalakshmi

7.V.Meena

8.S.Prema

9.R.Manickam

R.Kannan (Deceased)

10.S.Nagarajan

11.S.Soundarapandian

12.K.Sridevi

13.S.Shanthi

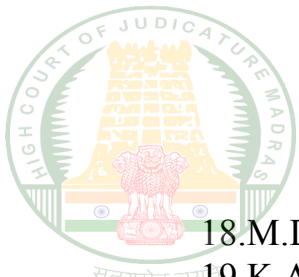
14.S.Saravanan

S.Ettiyappan (Deceased)

15.Venkatesh

16.V.Chakravarthi

17.Gnanasekar



18.M.Dhandapani
19.K.Amulu @ Amudha
20.R.Anjalai
21.K.Pattammal
22.R.Selvaraj
23.K.Gajalakshmi
24.S.Srinivasan
25.V.Jayaraman
26.K.Udhayasuriyan
27.R.Gangammal
28.D.Vijayalakshmi
29.B.Srinivasa Rao

... Respondents /
Respondents

PRAYER: Civil Miscellaneous Petition filed under Order XXII Rule 4 of the Code of Civil Procedure, 1908 praying to bring the following legal representatives of the 10th respondent on record.

- 1.K.Amudha, Wife, aged about 44 years
- 2.K.Ranjitha, Daughter, aged about 22 years
- 3.K.Prabhu, Son, aged about 20 years

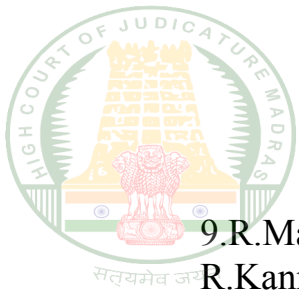
All are residing at No.8, Balaji Nagar, Thiruverkadu, Chennai – 600 077.

CMP NO.11220 / 2025

Thirumal Azhagu Nadar (Deceased)	...	Appellant
T.Mythili Devi	...	Petitioner / 2 nd Appellant

Vs.

- 1.Kumar
- 2.K.Nandakumar
- 3.K.Muthu
- 4.V.Padmavathy
- 5.T.Veerasekar
- 6.S.Seethalakshmi
- 7.V.Meena
- 8.S.Prema



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- 9.R.Manickam
- R.Kannan (deceased)
- 10.S.Nagarajan
- 11.S.Soundarapandian
- 12.K.Sridevi
- 13.S.Shanthi
- 14.S.Saravanan
- S.Ettiappan (Deceased)
- 15.Venkatesh
- 16.V.Chakravarthi
- 17.Gnanasekar
- 18.M.Dhandapani
- 19.K.Amulu @ Amudha
- 20.R.Anjalai
- 21.K.Pattammal
- 22.R.Selvaraj
- 23.K.Gajalakshmi
- 24.S.Srinivasan
- 25.V.Jayaraman
- 26.K.Udhayasuriyan
- 27.R.Gangammal
- 28.D.Vijayalakshmi
- 29.B.Srinivasa Rao

... Respondents /
Respondents

PRAYER: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, to condone the delay of 414 days in filing the petition seeking to set aside the abatement caused on the death of the 10th respondent.

CMP NO.11222 / 2025

Thirumal Azhagu Nadar (Deceased)
T.Mythili Devi

... Appellant
... Petitioner /
2nd Appellant

Vs.

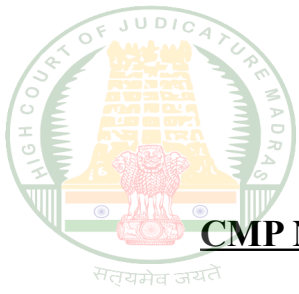


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- 1.Kumar
- 2.K.Nandakumar
- 3.K.Muthu
- 4.V.Padmavathy
- 5.T.Veerasekar
- 6.S.Seethalakshmi
- 7.V.Meena
- 8.S.Prema
- 9.R.Manickam
- R.Kannan (deceased)
- 10.S.Nagarajan
- 11.S.Soundarapandian
- 12.K.Sridevi
- 13.S.Shanthi
- 14.S.Saravanan
- S.Ettiyappan (Deceased)
- 15.Venkatesh
- 16.V.Chakravarthi
- 17.Gnanasekar
- 18.M.Dhandapani
- 19.K.Amulu @ Amudha
- 20.R.Anjalai
- 21.K.Pattammal
- 22.R.Selvaraj
- 23.K.Gajalakshmi
- 24.S.Srinivasan
- 25.V.Jayaraman
- 26.K.Udhayasuriyan
- 27.R.Gangammal
- 28.D.Vijayalakshmi
- 29.B.Srinivasa Rao

... Respondents /
Respondents

PRAYER: Civil Miscellaneous Petition filed under Order XXII Rule 9(2) of the Code of Civil Procedure, 1908 praying to set aside the abatement caused on the death of the 10th respondent.



CMP NO.11229 / 2025

WEB COPY

Thirumal Azhagu Nadar (Deceased)
T.Mythili Devi

... Appellant
... Petitioner /
2nd Appellant

Vs.

1.Kumar
2.K.Nandakumar
3.K.Muthu
4.V.Padmavathy
5.T.Veerasekar
6.S.Seethalakshmi
7.V.Meena
8.S.Prema
9.R.Manickam
R.Kannan
10.S.Nagarajan
11.S.Soundarapandian
12.K.Sridevi
13.S.Shanthi
14.S.Saravanan
S.Ettiyappan (Deceased)
15.Venkatesh
16.V.Chakravarthi
17.Gnanasekar
18.M.Dhandapani
19.K.Amulu @ Amudha
20.R.Anjalai
21.K.Pattammal
22.R.Selvaraj
23.K.Gajalakshmi
24.S.Srinivasan
25.V.Jayaraman
26.K.Udhayasuriyan
27.R.Gangammal
28.D.Vijayalakshmi
29.B.Srinivasa Rao

... Respondents /
Respondents



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PRAYER: Civil Miscellaneous Petition filed under Order XXII Rule 4 of the Code of Civil Procedure, 1908 praying to bring the following legal representatives of the 16th respondent on record:

- 1.E.Renuka, Wife, aged about 35 years
- 2.E.Akshaya Priya, Daughter, aged about 13 years
- 3.E.Tharakesh, Son, aged about 7 years

2 and 3 are minors represented by their mother and next friend E.Renuka. All are residing at No.7, Balaji Nagar, Thiruverkadu, Chennai – 600 077.

For Petitioner : Mr.V.Subramani
(in all CMPs')

For Respondents : Mr.Uma Shankar
(in all CMPs')

COMMON ORDER

Mr.V.Subramani, learned Counsel for the petitioner is before this Court. Mr.Uma Shankar, learned Counsel for the respondents appeared before this Court through Video Conferencing mode.

2.This Court has perused the affidavits filed in support of these Civil Miscellaneous Petitions.

3.Being satisfied with the reasons stated in the accompanying affidavits, all these Civil Miscellaneous Petitions are allowed.



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4.Registry is directed to carry out necessary amendments in
the main Appeal Suit and list the matter on 15.07.2025.

04.07.2025

(1/2)

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation : Yes / No
TK



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R.SAKTHIVEL, J.

TK

CMP NOS.27339, 27346, 27349, 27350, 27351 AND 27355 OF 2023
AND 10455, 10457, 10467, 11220, 11222 AND 11229 OF 2025
IN A.S.NO.137 OF 2010

04.07.2025

(1/2)

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