



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2025

CORAM

WEB COPY THE HONOURABLE MS JUSTICE R.N.MANJULA

CMP Nos.28126, 28128 & 28130 of 2024

and

CMP Nos. 28118, 28121 & 28124 of 2024

in

S.A.No.872 of 2014

CMP Nos.28126, 28128 & 28130 of 2024

1.G.Balakrishnan,
S/o Gopalan

2.B.Laxmikanth
S/o G.Balakrishnan

both residing at
Door No.40, Gandhi Main Road,
Sankar Nagar,
Pammal, Chennai 600 075.

... petitioners/proposed appellants in
CMP Nos.28126, 28128 & 28130 of 2024

Vs.

G.Sridharan
S/o Late B. Gopalan, New D.No.13
Old D.No. 9 Lake View Rd,
West Mambalam Ch 33 and 4 Others

... Respondents

in CMP Nos.28126, 28128 & 28130 of 2024

CMP Nos. 28118, 28121 & 28124 of 2024

1.S.Sumathee,
W/o Late Sridharan

2.S.Siddharth
S/o Sridharan,



Both residing at
Door No.19A, F1, Avia Enclave Ekanta Homes,
Balakrishna Street,
Nanmangalam,
Chennai 600 117.

..... petitioners/proposed appellants in
CMP Nos. 28118, 28121 & 28124 of 2024

Vs.

G.Sridharan
S/o Late B. Gopalan, New D.No.13
Old D.No. 9 Lake View Rd,
West Mambalam Ch 33 and 4 Others

... Respondents

in CMP Nos.228118, 28121 & 28124 of 2024

Prayer in CMP.No.28126/2024: Petition filed under Section 5 of the Limitation Act, 1963 praying to condone the delay of 769 days in filing to petition to set aside the abatement against third appellant in second appeal.

Prayer in CMP.No.28128/2024: Petition filed under Order XXII Rule 9(2) of the Code of Civil Procedure, praying to set aside the abatement caused due to the death of the third appellant on 18.05.2022 in the second appeal in S.A.NO.872/2014.

Prayer in CMP.No.28130/2024: Petition filed under Order XXII Rule 3 of the Code of Civil Procedure, praying to bring on record the following legal representative (1) G.Balakrishnan, S/o.Gopalan, aged about 59 years and (2) G.Laxmikanth, S/o.Balakrishnan, aged about 25 years, as legal representatives of the deceased of the third appellant, B.Vijayalakshmi in the above second appeal in S.A.No.872/2014.

Prayer in CMP.No.28118/2024: Petition filed under Section 5 of the Limitation Act, 1963 praying to condone the delay of 132 days in filing to petition to set aside the abatement against first appellant.

Prayer in CMP.No.28128/2024: Petition filed under Order XXII Rule 9(2)



of the Code of Civil Procedure, praying to set aside the abatement against the 1st appellant on 13.07.2024 in the second appeal in S.A.No.872/2014.

Prayer in CMP.No.28130/2024: Petition filed under Order XXII Rule 3 of the Code of Civil Procedure, praying to bring or record the following legal representative (1) G.Balakrishnan, S/o.Gopalan, aged about 59 years and (2) G.Laxmikanth, S/o.Balakrishnan, aged about 25 years, as legal representatives of the deceased of the third appellant, B.Vijayalakshmi in the above second appeal in S.A.No.872/2014.

In all CMPs

For Appellant(s) : Mr.S.P.Sudalaiyandi

COMMON ORDER

The petitions in CMP Nos.28126, 28128 & 28130 of 2024 have been filed to condone the delay of 769 days in filing the petition to set aside the abatement against third appellant in second appeal and to set aside the abatement caused due to the death of the third appellant on 18.05.2022 in the second appeal in S.A.NO.872/2014 and to bring or record the following legal representative (1) G.Balakrishnan, S/o.Gopalan, aged about 59 years and (2) G.Laxmikanth, S/o.Balakrishnan, aged about 25 years, as legal representatives of the deceased of the third appellant, B.Vijayalakshmi in the above second appeal in S.A.No.872/2014.

The petitions in CMP Nos.28126, 28128 & 28130 of 2024 have been



filed to condone the delay of 132 days in filing a petition to set aside the abatement against the first appellant and to set aside the abatement against the 1st appellant on 13.07.2024 in the second appeal in S.A.No.872/2014 and to bring or record the following legal representative (1) G.Balakrishnan, S/o.Gopalan, aged about 59 years and (2) G.Laxmikanth, S/o.Balakrishnan, aged about 25 years, as legal representatives of the deceased of the third appellant, B.Vijayalakshmi in the above second appeal in S.A.No.872/2014.

3.Having satisfied with the reasons stated in the affidavits filed in support of these petitions, these petitions are **ordered**.

4.The Registry is directed to carryout the necessary amendment and list the second appeal in S.A.No.872/2014, after two weeks.

29.01.2025

jrs

To

1.G.Sridharan

S/o Late B. Gopalan, New D.No.13

Old D.No. 9 Lake View Rd,

West Mambalam Ch 33 and 4 Others

G.Sridharan

S/o Late B. Gopalan, New D.No.13

Old D.No. 9 Lake View Rd,

West Mambalam Ch 33 and 4 Others