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CRP.No.6194, 6196 & 6198 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 08.12.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**CRP.No.6194, 6196 & 6198 of 2025 and**  
**CMP.No.30541, 30554 & 30558 of 2025**

- 1.Mrs.M.Amirtham
2. Mr.M.Kirubakaran

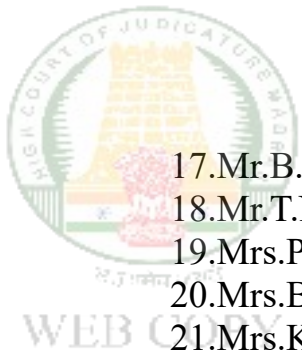
... Petitioners in all CRP's

Vs.

1. Mr.Thangavelu
- Mrs.Pavayammal (Died)
2. Mrs. Maragatham
- Mr.Sengoda Nadar (Died)
- Mr.Sengoda Nadar (Died)

3. Mr.R.Palanivel
- 4.Mr.Ramasamy
- 5.Mr.Kandasamy
- Mr.Chokkappan(Died)
- 6.Mr.R.Palanivel
- 7.Mr.K.Anbu
- 8.Mrs.Chinnammal
- 9.Mr.M.Muthusamy
- 10.Mr.P.Ramesh
11. Mr.K.Lakshmanan
12. Mrs.S.Jothilakshmi
- 13.Mr.K.Varathappan
- 14.Mr.R.Jayaprakash
- 15.Mrs.V.R.Amudavani
16. Mr.D.Elango

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CRP.No.6194, 6196 & 6198 of 2025

- 17.Mr.B.Gunasekaran
- 18.Mr.T.N.Mani
- 19.Mrs.Pavayee
- 20.Mrs.B.Annapurani
- 21.Mrs.Kumuthavalli
- 22.Mr..K.Rajendren
- 23.Mr.C.Ganeshan
- 24.Mr.R.M.Annamalai
- 25.Mr.L.Ramanathan
- 26 Mrs.S.Arukkani
- 27.Mr.S.Chinnusamy
- 28.Mr.P.Eswaramoorthy
- 29.Mr..Baithkodi
- 30.Mr.R.Rajavel
31. Mr.M.Krishnavel
- 32.Mr.T.Dineshkumar
- 33.Mr.S.Vinoth
- 34.Mrs.S.Jothi

...Respondents in all CRP's

- 35.Mr.S.Kamaraj ...Respondent/proposed party in CRP.No.6194/ 2025
- 35.Mr.S.M.Sundararajan ...Respondent/proposed party in CRP.No.6196/ 2025
- 35.Mr.Murugesan
- 36.Mr.Palanivel ...Respondents/proposed parties in CRP.No.6198/ 2025

**PRAYER in CRP.No.6194 of 2025:** Civil Revision Petition filed Article 227 of Constitution of India, to set aside the fair and Decreetal order dated 16.09.2025 in I.A. No. 2 of 2024 in O.S.No. 522 of 2008 on the file of Additional Sub Ordinate Judge, Tiruchengode, Namakkal District.

**PRAYER in CRP.No.6196 of 2025:** Civil Revision Petition filed Article 227 of Constitution of India, to set aside the fair and Decreetal order dated 16.09.2025 in I.A. No.5 of 2024 in O.S.No. 522 of 2008 on the file of Additional Sub Ordinate Judge, Tiruchengode, Namakkal District.



**PRAYER in CRP.No.6198 of 2025:** Civil Revision Petition filed Article 227 of Constitution of India, to set aside the fair and Decreetal order dated 16.09.2025 in I.A. No. 8 of 2024 in O.S.No. 522 of 2008 on the file of Additional Sub Ordinate Judge, Tiruchengode, Namakkal District.

For Petitioners : Mr.S.Gunaseelan  
in all CRP's

### **COMMON ORDER**

These Civil Revision petitions are filed challenging the orders passed by the Trial Court allowing the petitions to condone the delay of 1387, 463, and 1394 days in filing petition to set aside the abatement and to bring on record the legal representatives of the deceased defendants 3, 4 and 8.

2. The first respondent/plaintiff filed a suit for partition. The petitioners have been arrayed as defendant Nos. 22 and 18. Pending suit, the defendants 3, 4 and 8 died. Therefore, the first respondent/plaintiff filed an application to bring on record the legal representatives of the deceased defendants 3, 4 and 8. Since the suit was already abated and there was some delay in filing petition to set aside the abatement, the first respondent also filed applications to set aside the abatement and to condone the delay of 1387, 463 and 1394 days in filing petition to set aside the abatement. The trial court allowed the condone delay petitions. Aggrieved by the same, the petitioners have come before this court.

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3. The learned counsel for the petitioners submitted that the first respondent failed to prove that the proposed parties are the legal representatives of the deceased defendants 3, 4 and 8 and he failed to file death certificate. Therefore, the trial court ought not have allowed the applications.

4. The first respondent filed an affidavit stating that the proposed parties are the legal heirs of the defendants 3, 4 and 8. The said assertion made in the affidavit of the first respondent was not at all denied by the petitioners in their affidavit. The petitioners also failed to give any details of other legal representatives of the deceased defendants 3, 4 and 8. Even assuming there are other legal representatives, one legal representative is sufficient to represent the estate of the deceased. Therefore, nothing wrong in allowing the petition to bring on record the proposed parties as legal representatives of the deceased defendants 3, 4 and 8. If the petitioners have got information regarding the availability of other legal representatives, they can inform the same to the Court.

5. In the case on hand, in the counter affidavit filed by the petitioners, they have not mentioned the availability of the other legal representatives.



Therefore, the said objection made by the learned counsel for the petitioners is without any substance.

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6. It is also submitted by the learned counsel for the petitioners that the first respondent failed to file death certificate of the deceased defendants 3, 4 and 8 and therefore, the petition to bring on record the legal heirs shall be dismissed. The plaintiff is not expected to produce the death certificate of the defendants 3, 4 and 8. The assertion of the plaintiff that the defendants 3, 4 and 8 died has not been denied in the counter filed by the petitioners. When the factum of death is not disputed, there is no need to produce the death certificate. Therefore, both the submissions made by the learned counsel for the petitioners are not acceptable to this court. Accordingly, all the civil revision petitions are dismissed.

7. Taking into consideration the suit is of the year 2002, the trial court is directed to dispose of the same as expeditiously as possible. No costs. Consequently, the connected miscellaneous petitions are closed.

**08.12.2025**

Index : Yes / No  
Internet : Yes / No  
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**S.SOUNTHAR, J.**

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To

The Additional Sub Ordinate Judge, Tiruchengode,  
Namakkal District.

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