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C.M.P.(MD)Nos.4731 to 4733 of 2025
in A.S.(MD)No.95 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
AND
THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.M.P.(MD)Nos.4731 to 4733 of 2025
in AS(MD)No.95 of 2017

Arumugam

.... Petitioner in
all C.M.Ps.

Vs.

- 1.Thiruvaryan (Died)
- 2.Gomathi
- 3.Subbulakshmi
- 4.Vijayakumar

... Respondent in
all C.M.Ps.

COMMON PRAYER: Civil Miscellaneous Petitions are filed under Section 5 of the Limitation Act, 1963, under Order 22 Rule 9 of C.P.C and Order 22 Rule 4 of C.P.C., to condone the delay of 1957 days in filing the petition to set aside the abatement caused due to the death of sole respondent namely Thiruvaryan in the above appeal, to set aside the abatement caused due to the death of the sole respondent namely Thiruvaryan in the above appeal and to bring the respondents 2 to 4 herein on record as legal representatives of the deceased sole respondent



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and rank them as respondents 2 to 4 in the first appeal.

For Petitioner : Mr.H.Arumugam
(In all C.M.Ps)

For Respondents : No Appearance
(In all C.M.Ps)

COMMON ORDER

(Order of the Court was made by **C.V.KARTHIKEYAN, J.**)

These three applications have been filed consequent to the death of the sole respondent, to condone the delay of 1957 days in filing the application to set aside the abatement, to set aside the abatement and to bring on record the legal representatives of the sole respondent as respondents 2 to 4.

2. Notice had been directed to the said respondents. Notice sent to R3 had been returned with the endorsement 'unclaimed'. Track consignment of R2 stated that item had been delivered. The names of R2 to R4 had been printed in the cause list. There is no appearance.



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3. In view of the particular fact, these three applications are allowed.

4. Registry is directed to carry out necessary amendment in the cause title to the first appeal reflecting the death of the sole respondent and bringing on record the respondents 2 to 4 as his legal representatives.

(C.V.K., J.) (R.V., J.)
27.10.2025

NCC : Yes/No
Index : Yes / No
vsm



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vsm

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