



**C.M.P.(MD)Nos.6137 of 2022, 17462 & 17464 of 2025**  
**in A.S.(MD)No.32 of 2019**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 27.10.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**  
**and**  
**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**C.M.P.(MD)Nos.6137 of 2022**  
**and 17462 & 17464 of 2025**  
**in A.S.(MD)No.32 of 2019**

Ayyanathan (Deceased)

1.A.Rajakumari

2.Dr.A.Jeevagan

... Petitioners in  
all C.M.Ps.

-VS-

1.E.M.V.Muthappa Chettiar (Died)

2.E.M.V.M. Viswanathan

3.Kamaraj @ Saminathan

4.Dr.A.Arulnithi

5.Dr.A.Sivanraj

6.M.Banumathi

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7.Uma

... Respondents in  
all C.M.Ps.

COMMON PRAYER: Petitions filed under Section 5 of Limitation Act, Order 22 Rule 9(2) r/w Section 151 of C.P.C. and Order 22 Rule 4 and Section 151 of C.P.C., praying to condone the delay of 294 days in filing to set aside the abatement as against the 1<sup>st</sup> respondent in appeal suit made in A.S.No.32 of 2019, to set aside the abatement caused due to the death of the 1<sup>st</sup> respondent in the appeal suit and to bring on record the proposed respondents 6 and 7 as legal representatives of the 1<sup>st</sup> respondent E.M.V.Muthappa Chettiyar and rank them as respondents 6 and 7 in the appeal suit in A.S.(MD)No.32 of 2019.

For Petitioners : Mr.A.R.Kannappan  
(In all C.M.Ps)

### **COMMON ORDER**

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

These three applications have been filed to condone the delay of 294 days in filing the application to set aside the abatement caused due to the death of the 1<sup>st</sup> respondent, to set aside the abatement and to bring on record the legal representatives of the deceased 1<sup>st</sup> respondent.



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2. Notice had been directed, but notice could not be served on the legal representatives of the deceased 1<sup>st</sup> respondent. This Court, therefore, directed paper publication to be effected in C.M.P.(MD)No. 18526 of 2024. As directed, paper publication had been effected in Malai Malar Chennai Edition dated 26.09.2025. Proof of paper publication has been filed. With respect to respondents 4 and 5, service is deemed to be completed.

3. In the affidavit filed in support of these petitions, it had been stated that the fact that the first respondent died on 25.02.2019 was known only in the first week of April 2022. The details of the legal representatives were also known only then. It is also seen that one of the legal heirs of the deceased 1<sup>st</sup> respondent has also been impleaded as second respondent.

4. Taking all these facts into consideration, these petitions are allowed.



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5. Registry is directed to carry out necessary amendment in the cause title of the first appeal bringing on record the legal representatives of the deceased 1<sup>st</sup> respondent.

vsm

[C.V.K., J.] [R.V., J.]

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**C.V.KARTHIKEYAN, J.**  
**and**  
**R.VIJAYAKUMAR, J.**

vsm

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