



C.M.P.(MD)Nos.6138 of 2022, 17465 & 17466 of 2025
in A.S.(MD)No.33 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.6138 of 2022
and 17465 & 17466 of 2025
in A.S.(MD)No.33 of 2019

Dr.A.Jeevagan

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

-VS-

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

2.E.M.V.M.Viswanathan

3.Kamaraj @ Saminathan

4.M.Banumathi

5.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



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Section 151 of C.P.C., praying to condone the delay of 294 days in filing to set aside the abatement as against the 1st respondent in appeal suit made in A.S.No.33 of 2019, to set aside the abatement caused due to the death of the 1st respondent in the appeal suit and to bring on record the proposed respondents 4 and 5 as legal representatives of the 1st respondent E.M.V.Muthappa Chettiyar and rank them as respondents 4 and 5 in the appeal suit in A.S.(MD)No.33 of 2019.

For Petitioner : 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 1st respondent, to set aside the abatement and to bring on record the legal representatives of the deceased 1st respondent.

2. 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



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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 1st respondent has also been impleaded as second respondent.

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

4. 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 1st respondent.

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

vsm

27.10.2025



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and
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vsm

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