



C.M.P.(MD)Nos.6649, 6651, 6652 and 6654 to 6656 of 2025
in A.S.(MD)No.171 of 2016

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C.M.P.(MD)Nos.6649, 6651, 6652 and 6654 to 6656 of 2025
in A.S.(MD).No.171 of 2016

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

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

C.M.P.(MD)Nos.6649, 6651 and 6652 of 2025 have been filed to condone the delay of 883 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death of the second respondent and to bring on record the legal representatives of the deceased second respondent as respondents 4 and 5.

2. Notice had been directed to the said respondents. The name of the 4th respondent had been printed in the cause list. The counsel had entered appearance for the 5th respondent.

3. C.M.P.(MD)Nos.6654 to 6656 of 2025 have been filed to condone the delay of 2240 days in filing the petition to set aside the abatement, to set aside the abatement caused due to the death the third respondent and to bring on record the legal representatives of the deceased third respondent as respondents 6 and 7.



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4. Notice had been directed to R6 and R7. Notice sent to R6 had been returned as “insufficient address”. However, notice had been served on R7. It is informed that R6 is the mother of R7. Learned counsel, who had entered appearance for R7, stated that he would file vakalt for R6 also. But however, we would not keep the petitions pending and the vakalt could be filed in the main Appeal Suit.

5. In the accompanying affidavits filed in support of these petitions, it had been stated that the petitioner suffered from illness and therefore, he could not contact his counsel to give necessary instructions to file these petitions. It was only thereafter that instructions could be given and hence, the entire process was delayed.

6. From the records, we find that the suit had been filed for partition and separate possession and necessarily all the legal representatives would have to be heard, while taking a decision about partition in respect of the properties mentioned in the appeal suit. Taking that view into consideration, all these petitions are allowed.



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7. Registry is directed to carry out necessary amendment in the cause title reflecting the death of respondents 2 and 3 and bring on record the respondents 4 and 5 as legal heirs of deceased second respondent and respondents 6 and 7 as legal heirs of deceased third respondent.

vsm

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

24.09.2025



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