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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2025

CORAM:

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

**C.M.P.(MD)Nos.13348, 13349 and 13351 of 2025
in AS(MD)No.152 of 2017
and
C.M.P.(MD)Nos.13543, 13544 and 13545 of 2025
in AS(MD)No.153 of 2017**

1.S.A.Anbumuthu
2.Hema Malini
3.Meenalakshmi
4.Iswarya Nallu

... Petitioners/Appellants

vs.

K.Santhosh Kumar

... Respondent/Respondent

PRAYER: Civil Miscellaneous Petition is filed under Section 69-A of Tamil Nadu Court Fees and Suits Valuation Act, 1955 r/w 151 C.P.C to order refund of court fee of Rs.2,82,459/50/- paid in AS(MD)No.57 of 2016 dated 26.09.2023 on the file of this Court.

For Petitioners

: Mr.S.Ramesh

ORDER



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

The three applications in both appeals have been filed to condone the delay of 482 days in filing the petition to set aside the abatement caused due to the death of the third respondent in both appeals namely, Rajasekaran, to set aside the abatement and to bring on record the legal representatives as the respondent No. 38 in A.S(MD).No.152 of 2017 and as the respondent No.32 in A.S.(MD)No.153 of 2017.

2. In the affidavit filed in support of these applications, it is stated that the third respondent namely Rajasekaran died on 12.11.2023 leaving behind one R.John Sundaramuthu, his son as his legal representative and it had also been stated that the pendency of the appeal had not been informed to the petitioner in time and it had come to his knowledge only when the appeal had come up for hearing. It is further stated that the delay is neither wilful nor wanton and it would cause prejudice to the respondent who had already brought on record. Notice has been served. It is evident from the cause list in which the name of the proposed respondent has been printed.



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2. In view of the above, these applications are allowed. Registry is directed to record the death of the third respondent Rajasekaran in the cause title and bringing on record the leal representative namely John Sundaramuthu as the respondent No.38 in A.S(MD)No.152 of 2017 and the respondent No.32 in A.S. (MD)No.153 of 2017.

3. List on 15.10.2025.

(C.V.K., J.) (R.V., J.)
16.09.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
CM



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

CM

C.M.P.(MD)Nos.12040 to 12042 of 2025
in AS(MD)No.65 of 2019



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