



WEB COPY

**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.14899 and 14898 of 2023  
in AS(MD)No.101 of 2019**

Jensarick Thomas(died)

1.Athis Robby Simon

2.Suganya Radha Mary

... Petitioners/Proposed Appellants/  
Lrs of deceased sole appellant

vs.

1.Mephle

2.Fredrickranadie

3.Rasika @ Jeena

3.Kamini Devi

... Respondents/Respondents

**PRAYER:** Civil Miscellaneous Petitions are filed under Order 22 Rule 9(2) CPC and under Order 22 Rule 3 CPC to set aside the abatement for the death of the sole appellant who died on 29.06.2023 in A.S.(MD)No.101 of 2019 pending before this Court and to bring the petitioners on record as the appellants 1 and 2 as the legal heirs of the deceased sole appellant namely Jensarick Thomas in A.S.No.101 of 2019.

For Petitioners

: Mr.K.Sudalayandi



WEB COPY

## ORDER

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

These two applications have been filed to set aside the abatement consequent to the death of the sole appellant on 29.06.2023 and to bring on record the legal representatives as the appellants 2 and 3.

2. In the affidavit filed in support of these petitions, it had been contended that the sole appellant died on 29.06.2023 leaving behind the petitioners as the legal heirs as the mother of the petitioners died on 02.06.2022. Under such circumstances, these applications have been filed to set aside the abatement and to bring on record the petitioners as the appellants 2 and 3 to prosecute the appeal.

3. Taking into consideration the fact that the appellants have right to prosecute the appeal and there is no delay in filing the applications, we would allow these two applications. Registry is directed to carry out the necessary amendment in the cause title reflecting the death of the sole appellant and bringing on record the legal representatives as the appellants 2 and 3.



WEB COPY

**5. List the appeal for hearing on 14.10.2025.**

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

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



WEB COPY



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

CM

**C.M.P.(MD)Nos.14899 and 14898 of 2023**  
**in AS(MD)No.101 of 2019**

**16.09.2025**