



C.M.P.(MD)Nos.16827, 16829 & 16833 of 2025
in A.S.(MD)No.167 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2025

CORAM:

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

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in AS(MD)No.167 of 2017

1.Mahadevan (Died)
2.Kasthuri
3.Ranibai
4.Gangabai
5.M.Sankar
6.M.Saravanan

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

Vs.

Maruthi

... Respondent in
all C.M.Ps.

COMMON PRAYER: Civil Miscellaneous Petitions are filed under Section 5 of the Limitation Act, 1963, under Order 22 Rule 9 of C.P.C and Order 22 Rule 3 of C.P.C., to condone the delay of 152 days in filing the petition to set aside the



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abatement caused on the death of Mahadevan, the sole appellant in the above appeal, to set aside the abatement caused due to the death of Mahadevan, the sole appellant in the above appeal and to bring on record the proposed petitioners 2 to 6 herein who are the legal representatives of the deceased sole appellant and rank them as appellants 2 to 6 in the above appeal.

For Petitioner : Mr.N.Rahamadullah

COMMON ORDER

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

These three applications have been filed to condone the delay of 152 days in filing the application to set aside the abatement caused due to the death of the sole appellant, to set aside the abatement and to bring on record the legal representatives of the sole appellant to prosecute the appeal further.

2. In the affidavit filed in support of these petitions, it had been contended that the sole appellant had died on 21.11.2024 leaving behind the



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petitioners as his legal representatives. It had been stated that the cause of action survives and that the petitioners are entitled to prosecute the appeal further. With respect to the reasons, it had been stated that there was a delay in filing the applications owing to proper instructions to be given to the counsel. However, documents had to be collected and later applications have been filed.

3. Taking into consideration all these facts, the delay is condoned and the applications are allowed.

4. Registry is directed to carry out necessary amendment recording the death of sole appellant and bring on record the petitioners as further appellants.

5. Post the Appeal Suit on **05.11.2025**.

(C.V.K., J.) (R.V., J.)
23.10.2025

NCC : Yes/No
Index : Yes / No
vsm

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vsm

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