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C.M.P.(MD)Nos.16649 to 16651 of 2025
in A.S.(MD)No.197 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2025

CORAM:

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

C.M.P.(MD)Nos.16649 to 16651 of 2025
in AS(MD)No.197 of 2019

A.David

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

Vs.

Jebamalai (Died)

- 1.John
- 2.Bilomina
- 3.Santha
- 4.Nobil Anbudass
- 5.Rubanraj
- 6.Charles
- 7.Dominic

... 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 4 of C.P.C., to condone the delay of 290 days in filing the petition to set aside the



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abatement caused due to the death of deceased namely Jebamalai in the above appeal, to set aside the abatement caused due to the death of respondent namely Jebamalai, in the above appeal and to bring on record the 1 to 7th respondents/proposed respondent Nos.1 to 7 as respondents 2 to 8 in the above appeal.

For Petitioner : Mr.Niranjan S Kumar
(In all C.M.Ps)

For Respondents : Mr.C.Vakeeswaran
(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 290 days in filing the application to set aside the abatement caused due to the death of the sole respondent, to set aside the abatement and to bring on record the legal representatives of the sole respondent to prosecute the appeal further.

2. In the affidavit filed in support of these petitions, it had been contended that the sole respondent had died on 27.07.2024 and his son Jon also



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died on 05.09.2019. Legal representatives have now been impleaded as further respondents.

3. Notice had been directed, notice had been served and learned counsel also entered appearance.

4. Taking into consideration the fact that the appeal suit is continuation of trial proceedings and necessarily has to be decided on merits, these applications are allowed.

5. Registry is directed to carry out necessary amendment recording the death of sole respondent and bring on record the legal representatives as respondents 2 to 8.

5. Post the Appeal Suit on **07.11.2025**.

(C.V.K., J.) (R.V., J.)
27.10.2025

NCC : Yes/No
Index : Yes / No
vsm

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C.V.KARTHIKEYAN, J.
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vsm

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