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CMP(MD) NO. 1



124

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11-11-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

**CMP(MD) NO. 17743 OF 2025, CMP(MD) NO. 17742 OF 2025, CMP(MD) NO. 17739
OF 2025 in AS(MD) NO. 265 OF 2008**

CMP(MD) NO. 17743 of 2025

M/s.Amarkantak Orchards Pvt. Ltd and Amarkantak Farms Pvt Ltd.,
Through its Director Sri.Sundeeep Maheswari, S/o. Maheswari,
Registered Office at No.5, Zoom II, M.P.Nagar, Bhopal - 462 011.
Madya Pradesh

2. Sundeeep Maheswari
S/o.Maheswari
No.5 Zoom II M.P. Nagar
Bhopal - 462 001
Madya Pradesh.

3. Ravi Dhivedi (Died)
S/o.R.S.Dhivedi

Appellant(s)

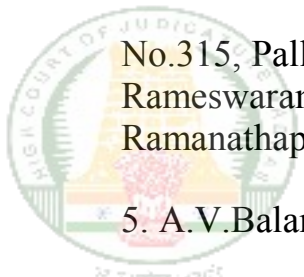
Vs

P.A.Joseph (Died),

2.J.Jameer
Through its Director Sri.Sundeeep Maheswari
S/o. Maheswari Registered Office at No.5 Zoom II
M.P.Nagar Bhopal - 462 011. Madya Pradesh

3. S.Ahamed Mansoor
S/o.M.K.A.Mohammed Sheriff,
Door No.10, Muthu Chavady Street,
Rameswaram Post,
Ramanathapuram District.

4. J.Noor Nisha
W/o.Ahamed Mansoor,



No.315, Pallivasal Street,
Rameswaram Post,
Ramanathapuram District.



5. A.V.Balan (died)

6. Achyuth Tony Joseph

S/o.Late.P.A.Joseph, Plavu Vachathil House, Kumuli Town, Peermedu Taluk, Idukki District, Kerala State.

7. Twinkle Joseph

D/o.Late.P.A.Joseph, Plavu Vachathil House, Kumuli Town, Peermedu Taluk, Idukki District, Keral State.

Respondent(s)

CMP(MD) NO. 17742 of 2025

M/s.Amarkantak Orchards Pvt. Ltd and Amarkantak Farms Pvt Ltd.,

Through its Director Sri.Sundeep Maheswari, S/o. Maheswari,
Registered Office at No.5, Zoom II, M.P.Nagar, Bhopal - 462 011.
Madya Pradesh

2. Sundeep Maheswari

S/o.Maheswari

No.5 Zoom II

M.P. Nagar

Bhopal - 462 001

Madya Pradesh.

3. Ravi Dhivedi (Died)

S/o.R.S.Dhivedi

Appellant(s)

Vs

P.A.Joseph (Died),

2. J.Jameer

Through its Director Sri.Sundeep Maheswari

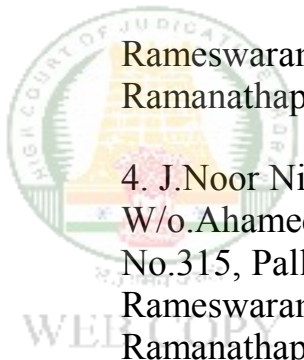
S/o. Maheswari Registered Office at No.5

Zoom II M.P.Nagar Bhopal - 462 011. Madya Pradesh

3. S.Ahamed Mansoor

S/o.M.K.A.Mohammed Sheriff,

Door No.10, Muthu Chavady Street,



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District, Kerala State.

7. Twinkle Joseph
D/o.Late.P.A.Joseph, Plavu Vachathil House, Kumuli Town,
Peermedu Taluk, Idukki District, Keral State.

Respondent(s)

CMP(MD) NO. 17739 of 2025

M/s.Amarkantak Orchards Pvt. Ltd and Amarkantak Farms Pvt
Ltd., Through its Director Sri.Sundeeep Maheswari, S/o.
Maheswari, Registered Office at No.5, Zoom II, M.P.Nagar,
Bhopal - 462 011. Madya Pradesh

2. Sundeeep Maheswari
S/o.Maheswari
No.5 Zoom II
M.P. Nagar
Bhopal - 462 001
Madya Pradesh.

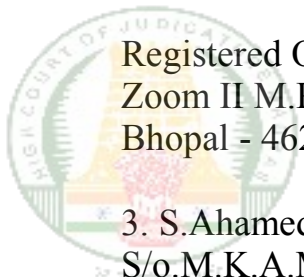
3. Ravi Dhivedi (Died)
S/o.R.S.Dhivedi

Appellant(s)

Vs

P.A.Joseph (Died),

2. J.Jameer
Through its Director Sri.Sundeeep Maheswari
S/o. Maheswari



Registered Office at No.5
Zoom II M.P.Nagar
Bhopal - 462 011. Madhya Pradesh



3. S.Ahamed Mansoor
S/o.M.K.A.Mohammed Sheriff,
Door No.10, Muthu Chavady Street,
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District, Kerala State.

7. Twinkle Joseph
D/o.Late.P.A.Joseph, Plavu Vachathil House, Kumuli Town,
Peermedu Taluk, Idukki District, Kerala State.

Respondent(s)

Prayer 17739/2025: To condone the delay of 727 days in filing the applications to set aside the abatement caused due to the death of the deceased 1st respondent viz PA Joseph in the above civil miscellaneous petition in CMP(MD) No.1745/2023 in AS(MD) No.265/2008.

Prayer 17742/2025: To set aside the abatement caused due to the death of the deceased 1st respondent viz PA Joseph in the above civil miscellaneous petition in CMP(MD) No. 1745/2023 in AS(MD) No.265/2008.

Prayer 17743/2025: To bring on record the respondents 6 and 7 herein as the legal representatives of the 1st respondent viz PA Joseph and rank them as respondents 6 and 7 in the above civil miscellaneous petition in CMP(MD) No.1745/2023 in AS(MD) No.265/2008.

For Appellant(s): M/s.V.Muthukamatchi

For Respondent(s): Mr.M.Rajesh for Mr.R.Suriyanarayanan for R1, R6 and R7



ORDER

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

These applications have been filed to condone the delay of 727 days in filing the applications to set aside the abatement caused due to the death of the 1st respondent, P.A.Joseph, to set aside the abatement and to bring on record his legal representatives, 6th and 7th respondents, namely, Achyuth Tony Joseph and Twinkle Joseph as his son and daughter.

2. There is a connected appeal in AS (MD) No.279 of 2008, wherein also the said P.A.Joseph was a party and wherein also consequent to his death, the present proposed respondents 6 and 7 had been impleaded and counsel had entered appearance on their behalf. The learned counsel stated that he would also enter appearance for the proposed respondents. Copies may be served on him.

3. It had been stated that the first respondent P.A.Joseph died on 06.06.2023 and that the petitioners came to know about his death only recently and since he was a resident of Kerala, the fact of his death was not known immediately. Thereafter after ascertaining the legal representatives, the present petitions have been filed.

4. Taking into consideration all factors into consideration, these petitions stand allowed. Registry may record the death of the first respondent and bring on record the legal representatives as 6th and 7th respondents.



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Call the matter again on 17.11.2025. Registry may also list CM No. 16997/2025 in AS (MD) No.279/2008 on that date.



(C.V.KARTHIKEYAN J.) (R.VIJAYAKUMAR J.)
11-11-2025

RR