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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2026

CORAM

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CMP.Nos. 3813, 3815 and 3817 of 2023

in

S.A. No. 1764 of 2001

M.A.Makbul (died)

1.Pyrose

2.Sathu

3.Jarun

4.Jasmine

5.Sathik Basha

6.Yasmin

...Petitioners in all three petitions

Versus

1.M.A. Ummar (Deceased)

2.Abdul Bashe

(R2-Given up vide Court order dated 27.02.2023

made in S.A.No. 1764/2001

in CMP.Nos.3813, 3815 and 3817 of 2023).

3.Dhanapal Raj

4.Shabeer

5.Basheer

6.Rizwan

7.Sharmila

8.Faridha

9.Shamim

...Respondents in all three petitions



Prayer:

CMP.No. 3813 of 2023 is filed under Section 5 of the Limitation Act, praying to condone the delay of 2467 days in filing the petition to set aside the abatement caused due to the death of the 1st respondent in the above second appeal.

CMP.No. 3815 of 2023 is filed under Order XXII Rule 9(2) of the Code of Civil Procedure, 1908, praying to set aside the abatement caused due to the death of the 1st respondent in the above second appeal.

CMP.No. 3817 of 2023 is filed under Order XXII Rule (4) r/w Rule 11 of the Code of Civil Procedure, 1908, praying to bring on record the proposed respondents 4 to 9 as the legal representatives of the deceased 1st respondent M.A.Ummar respectively and rank them as Respondents 4 to 9 in the above second appeal in S.A.No. 1764 of 2001.

For Petitioners : Ms.Seethalakshmi
For Mr.L.Palanimuthu

COMMON ORDER

Ms.Seethalakshmi, representing Mr.L.Palanimuthu, learned Counsel on record for the petitioners is before this Court.

2.These petitions have been filed seeking to condone the delay of 2467 days in filing the petition to set aside the abatement caused to the death of the first respondent, namely, M.A.Ummar; and to set aside the abatement caused due to the death of the 1st respondent in the above appeal and to bring on record the proposed respondents 4 to 9 as the legal representatives of the deceased 1st respondent viz., M.A.Ummar.



3. Notice was served on the Proposed Respondent Nos. 4 to 9 and they have been shown in the cause list as Respondent Nos. 4 to 9. Despite names printed in the cause list, they did not choose to appear before this Court and contest these petitions.

4. This Court has perused the case file.

5. Reason stated in the affidavit filed in support of these petitions is satisfied. Hence, these petitions are allowed.

6. Registry is directed to carry out necessary amendment in the main Second Appeal in the next listing date.

7. List the matter on **24.03.2026.**

06.03.2026

MSM



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R.SAKTHIVEL, J

MSM

CMP.Nos. 3813, 3815 & 3817 of 2023
in
S.A. No. 1764 of 2001

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