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C.M.P.Nos.3751 & 3753 of 2026
in S.A.No.1074 of 2001

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2026

CORAM:

THE HONOURABLE DR. JUSTICE V. LAKSHMINARAYANAN

C.M.P.Nos.3751 & 3753 of 2026
in C.M.P.No.14598 of 2021
and C.M.P.Nos.3673 to 3675 of 2026
in C.M.P.No.12849 of 2025
in
S.A.No.1074 of 2001

- 1.S. Chandrakumar (Died)
- 2.C. Lakshmi (Died)
- 3.C. Sankar
- 4.S. Dakshayini

..Petitioners in all C.M.Ps

Vs.

- 1.D. S. Shanmugasundaram (Died)
- 2.D.N. Kathirgamasundaram
- 3.D.N. Balasundaram (Died)
- 4.K. Hema
- 5.D.B.Santhanalakshmi
- 6.S. Banu
- 7.D.S. Arun Kumar
- 8.Malini Saravanan

...Respondents in all C.M.Ps

..Proposed respondents in all C.M.Ps

Prayer in C.M.P.No. 3751 of 2026: The Civil Miscellaneous Petition has been filed under Section 5 of the Limitation Act, praying to condone the delay of 1120 days in filing the present petition to restore C.M.P.No.14598 of 2021 in S.A.No.1074 of 2001 dated 14.12.2022.

Prayer in C.M.P.No. 3673 of 2026: The Civil Miscellaneous Petition has been filed under Section 5 of the Limitation Act, praying to condone the delay of 1561 days in filing the petition to set aside the abatement caused due to death of the 1st respondent, D. S. Shanmugasundaram in S.A.No.1074 of 2001.



C.M.P.Nos.3751& 3753 of 2026

in S.A.No.1074 of 2001

V. LAKSHMINARAYANAN,, J.

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rpl

Prayer in C.M.P.Nos.3674 of 2026: The Civil Miscellaneous Petition has been filed under Order 22 Rule 9 of C.P.C, praying to set aside the abatement caused due to death of the 1st respondent, D. S. Shanmugasundaram.

Prayer in C.M.P.Nos.3753 of 2026: The Civil Miscellaneous Petition has been filed under Order 41 Rule 19 of C.P.C, praying to set aside the order of dismissal dated 14.12.2022 and restore the C.M.P.No.14598 of 2021 in S.A.No.1074 of 2001.

Prayer in C.M.P.No.3675 of 2026: The Civil Miscellaneous Petition is filed under Order 22 Rule 4 of C.P.C, praying to bring on record the legal representatives of the deceased 1st respondent, D. S. Shanmugasundaram.

For R6 to R8 : Mr.V.Srikanth

COMMON ORDER

On a perusal of the affidavits filed in support of these petitions, this Court is satisfied that sufficient cause has been made to condone the delay in set aside the abatement and to restoring the second appeal and the same is not seriously opposed. Accordingly, the petitions for condonation of delay are allowed. Consequently, the petitions to set aside the abatement and to bring on record the legal representatives of the deceased 1st respondent are also allowed.

2. Accordingly, the Second Appeal is restored on file.

25.02.2026

rpl

Note: The Registry is directed to carry out necessary amendment.

C.M.P.Nos.3751 of 2026 etc batch

in S.A.No.1074 of 2001