



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-06-2026

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THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CMP No. 10206 of 2026
CMP NO. 10211 OF 2026 & CMP NO. 10208 OF 2026
in
CMP No. 13052 of 2025
in
SA NO. 742 OF 1999

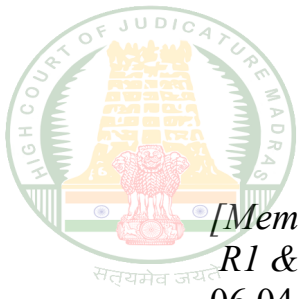
Subbarayan
S/o. Ponnusamy,
Poyyathanallur Village,
Ariyalur Taluk and District 621718.

..Petitioner/Appellant

Vs

1. Balakrishnan (Died)
S/o. Ponnusamy,
23-A, Melakkara Street,
Ariyalur.
Now temporarily residing at Rajaji Nagar,
Kurumbanchavadi,
Eruthukkarapatti Post,
Ariyalur Dist 621 713
2. Sivakumar (died)
3. Karthikeyan
S/o. Late Balakrishnan,
23-A, Melakkara Street,
Ariyalur.
Now temporarily res. at Rajaji Nagar,
Kurumbanchavadi,
Eruthukkarapatti Post,
Ariyalur Dist 621 713

....Respondents 1 to 3 /Respondents



[Memo dated 02.03.2026 recorded.

R1 & R2 Died] R2 & R3 are LR's of R1 vide Court order dated 06.04.2026

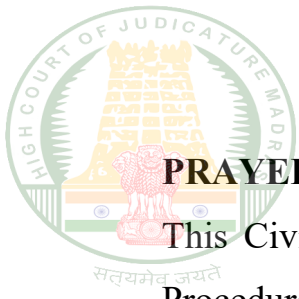
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4. Sasikala
W/o. Late Sivakumar,
No.67 A, 2nd Street,
Azhagappa Nagar,
Periyasamy RK Illam,
Ariyalur District.
5. Akilesh
S/o. Late Sivakumar,
No.67 A, 2nd Street,
Azhagappa Nagar,
Periyasamy RK Illam,
Ariyalur District.
6. Minor Anusuya
D/o. Late Sivakumar,
Rep. by her natural guardian (mother) Sasikala,
No.67 A, 2nd Street,
Azhagappa Nagar,
Periyasamy RK Illam,
Ariyalur District.

.... Proposed Respondents 4 to 6/Legal Heirs of R2

PRAYER in CMP No. 10206 of 2026

This Civil Miscellaneous Petition is filed under Section 5 of Limitation Act, 1963 praying to condone the delay of 503 days in filing the petition to bring on record the legal heirs of the deceased 2nd respondent Sivakumar in S.A.No.742 of 1999.

**PRAYER in CMP No. 10208 of 2026**

This Civil Miscellaneous Petition is filed under Order XXII Rule 9 of Civil Procedure Code, praying to set aside the abatement in filing the bring on record the legal heirs of the deceased 2nd respondent Sivakumar in S.A.No.742 of 1999.

PRAYER in CMP No. 10211 of 2026

This Civil Miscellaneous Petition is filed under Order XXII Rule 4 of Code of Civil Procedure, 1908 praying to bring on record the respondents 4 to 6/ legal heirs of the deceased 2nd respondent Sivakumar in SA.No.742 of 1999 as respondents 4 to 6.

For Petitioners: Ms.D.E.Anisree Sangavi
For Mrs. Usharamman

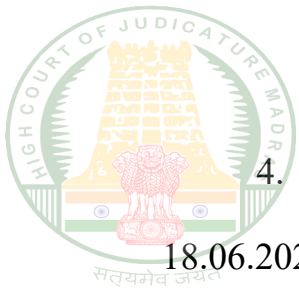
For Respondent(s): Ms.R.Ishwarya
for Mr.G.Ilamurugu For R4 To R6

COMMON ORDER

Ms.D.E.Anisree Sangavi, Counsel representing Mrs. Usharamman, Counsel on record for the petitioner and Ms.R.Ishwarya representing Mr.G.Ilamurugu, Counsel appearing for the Respondents 4 to 6 are before this Court.

2. This Court heard on both sides and perused the materials available on record.

3. The petitioner herein is the appellant in S.A.No.742 of 1999.



4. The Second Appeal was dismissed for default vide Judgment dated 18.06.2021. Thereafter, the petitioner filed a petition praying to restore the second appeal along with a petition in CMP No.24973 of 2024, praying to condone the delay of 896 days in filing the restoration petition. The said Civil Miscellaneous Petition was allowed on 04.04.2025, subject to payment of costs of Rs.2,000/- payable by the petitioner to the Tamil Nadu Legal Services Authority, Chennai, within a period of two weeks from 04.04.2025.

5. On perusal of the records, it is seen that the petitioner/appellant complied the order dated 04.04.2025. Thus, condition imposed in order passed in CMP No.24973 of 2024 was satisfied and the delay of 896 days in filing the petition to restore the Second Appeal was condoned.

6. Thereafter, the restoration petition has been numbered as CMP No.13052 of 2025. During pendency of the said CMP, the first respondent namely Mr.Balakrishnan passed away on 12.05.2016 and the second respondent namely Mr.Sivakumar passed away on 01.06.2024, leaving behind the proposed respondents 4 to 6 as his legal heirs/legal representatives.

7. The petitioner filed these Civil Miscellaneous Petitions in CMP Nos.10206, 10208 and 10211 of 2026, praying to condone the delay of 503 days, to set aside the abatement caused due to death of the deceased second



respondent Mr.Sivakumar and to bring on record the respondents 4 to 6 as legal heirs/legal representatives of the deceased second respondent in the restoration petition ie., in CMP No.13052 of 2025.

8. Being satisfied with the reasons stated in the affidavits filed in support of these petitions and also considering nature of these petitions, with a view to decide the matter on merits and in the interest of justice, this Court is inclined to allow these Civil Miscellaneous Petitions. Accordingly, these Civil Miscellaneous Petitions are allowed. Considering the facts and circumstances of the case, there shall be no order as to costs.

9. Registry is directed to carry out necessary amendment in CMP No.13052 of 2025.

10. List the matter on 23.06.2026

15-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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CMP No. 10206 of 2



R.SAKTHIVEL J.

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,CMP NO. 10211 OF 2026 & CMP NO. 10208 OF 2026
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