



WEB COPY

CMP No. 15001 of 2026
SA No.374 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CMP No. 15001 of 2026 in

S.A.No.374 of 2026

K.Anjan(Died)

1. 1.A.Kalyanasundaram, S/o.K.Anjan,
2. Valliyammal, W/o. K.Anjan,
3. 3. Kalaivan, d/o K.Anjan,
all are residing at Old No.8, New No.16,
Balakrishnan Street, West Mambalam,
Chennai-600 033.

..Appellant(s)

Vs

1. Jothiammal, W/o.K.Anjan,
2. Swapana Sundari, D/o.K.Anjan,
and W/o.Arivazhagan
3. Alagesan, S/o.K.Anjan,
4. Dongea, S/o.K.Anjan,
5. Mohan Kumaramangalam, S/o.K.Anjan,
all are residing at Old No.8 New NO.16,
Balakrishnan street, West Mambalam
Chennai-600033.

..Respondent(s)

Prayer: This civil miscellaneous petition is filed to set aside the orders passed in
CMP.No.5163 of 2026 dated 02.03.2026 in SA.SR.No.92419 of 2020.



For Petitioner(s): Mr. T.S.Rajamohan

For Respondent(s): Mr.V.R.Appaswamee

WEB COPY

ORDER

This petition has been filed to set aside the order dated 02.03.2026 passed in CMP No.5163 of 2026 in S.A.Sr No.92419 of 2020 and the petitioners herein are the respondents in the above said petition.

2. The above said CMP No.5163 of 2026 has been filed to condone the delay of 606 days in filing the second appeal and it was allowed on condition by directing the petitioners therein to make a payment of Rs.500/- to the Chief Justice Relief Fund.

3. The present petition has been filed mainly on the ground that the first petitioner in the condone delay petition in CMP No.5163 of 2026, namely Jothiammal died on 19.09.2021 itself and the said fact was not brought to the notice of this court, at the time of passing order.

4. The learned counsel for the petitioners herein submits that the order passed in the above said petition in favour of the dead person, namely Jothiammal is nullity and hence, the order need to be set aside.

5. It is seen from the records that the first petitioner Jothiammal in CMP No.5163 of 2026 died on 19.09.2021 and the petitioners 2 to 5 in the said petition are children of Jothiammal and hence, the L.Rs of Jothiammal are already on record. Therefore, there is no abatement of the proceedings and the



order passed by this court dated 02.03.2026, condoning the delay in filing the second appeal cannot be termed as an order passed in a proceedings abated against the 1st petitioner, in view of the presence of her Legal Heirs as petitioners 2 to 5. The estate of the deceased 1st petitioner is represented by his L.Rs, the petitioners 2 to 5 in the said CMP. Of course, they have not been formally recorded as legal representatives of deceased 1st petitioner therein. The same is only a curable defect. Since L.Rs were already on record, no prejudice caused to the estate of the deceased. Hence, there is no reason to set aside the order passed therein.

6. In the light of the above reasoning, this court is not inclined to accept the contentions raised by the learned counsel for the petitioners that the order passed by this court, dated 02.03.2026 was nullity, as far as the deceased 1st petitioner therein, is concerned.

7. Accordingly, this civil miscellaneous petition is dismissed.

23-06-2026

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

MST



WEB COPY

CMP No. 15001 of 2026
SA No.374 of 2026



S.SOUNTHAR, J.

MST

**CMP No. 15001 of 2026 in
SA 374 of 2026**

23-06-2026