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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CMP No. 21688 of 2024
IN
SA NO. 1385 OF 2010

1. Ramasami (died)
   1. Selvam, S/o Ramasami, Res at West Weavers Street, T.Palur, Odayarpalayam Taluk.
2. Elavarasan
   S/o Ramasami, Res at West Weavers Street, T.Palur, Odayarpalayam Taluk.

..Petitioners

Vs

1. N.SIVARAMAKRISHNAN,(Died)
   S.Karuppain (Died), Dr. Mathiyalagan(Died), Maniyarasu(Died) 1. Tamilarasu, S/o Karuppian, Mela Street, Karaikkurichi S.O.
2. Bala
   S/o Karuppian, Mela Street, Karaikkurichi S.O.

3. Vasanthi
   W/o Late Maniyarasu, Res at 60/30-B, West Street, Karadikulam, Jayamkondan Post, Ariyalur District.

4. Sivaprakash
   S/o Late Maniyarasu, Res at 60/30-B, West Street, Karadikulam, Jayamkondan Post, Ariyalur District.

5. Viduthalai Priya
   D/o Late Maniyarasu, Res at 60/30-B, West Street, Karadikulam, Jayamkondan Post, Ariyalur District.

6. A.Gandhimathi
   W/o Late Dr. Mathiyalagan, Res at D-33/13A,

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Vellala Street, Jayamkondam, Ariyalur Districe 621802.

7. Arulmadhi Kannan
S/o Late Dr. Mathiyalagan, Res at D-33/13A, Vellala Street, Jayamkondam, Ariyalur Districe 621802.

8. Appumathiroharasan
S/o Late Dr. Mathiyalagan, Res at D-33/13A, Vellala Street, Jayamkondam, Ariyalur Districe 621802.

9. Manimegalai
Res at 70, Panchukarachetti Street, Kuthalam, Mayiladuthurai 609801.

10. Bharathi
Res at 70, Panchukarachetti Street, Kuthalam, Mayiladuthurai 609801.

..Respondent(s)

SA No. 1385 of 2010

1. Ramasami (died)
(1)selvam S/o Ramasami West Weavers Street, T.Palur, Odayarpalayam Taluk.
2. Elavarasan
S/o Ramasami West Weavers Street, T. Palur,odayarpalayam Taluk.

Appellant(s)

Vs

1. N.SIVARAMAKRISHNAN,
S/O MARUTHA PILLAI, PANCHUKARA ST., KUTHALAM, MAYILADUTHURAI TK.
S.KARUPPAIN (DIED)
2. D Mathiyalagan(deceased)
S/o Karuppian Vellala Street, Jayamkondan 621 802.

3. Maniyarasu(deceased)
S/o Karuppian Mela Street, Karaikurichi S.O.612 904.

4. Tamilarasu

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S/o Kauppian Mela Stree T, Karaikurichi S.O 612

5. Bala
   Mela Street, Kariakurichi.

6. Vasanthi
   W/o.Late Maniyarasu,

7. Sivapraksh
   W/o.Late Maniyarasu, Rr6 To 8 Are Residing At 60/30-b, West Street, Karadikulam, Jayamkondam Post, Ariyalur District.

8. Viduthalai Priya, D/o.Late
   Maniyarasu, Rr 6 To 8 Brought On Record As Lrs Of The Decsd R3 Vide Order Ofct. Dated 30/01/2018 Made In Cmp.No.13169to13171/2016 In Sa.No.1385/10

9. Dr.A.Gandhimathi
   W/o.Late Dr.Mathiyalagan,

10. Dr.M.Arulmadhi Kannan
    S/o.Late Dr.Mathiyalagan, Rr 9 To 11 Are Residing At 33/13 A, Vellala Street, Jayamkondam, Ariyalur District.

11. Rr 9 To 11 Brought On Record
    As Lrs Of The Deceased R2 Vide Order Of Court Dated 30/01/2018 Made In Cmp.No.17313/2017 In Sa.No.1385/2010 ..Respondents

PRAYER IN CMP No. 21688 of 2024: This Civil Miscellaneous Petition is filed under order XXII Rule 9 (2) of CPC to set aside the abatement caused by the death of the 1st respondent in the above Second Appeal.

For Petitioners:Ms.P.Srividhya
For Respondents : R9 & R10 – Served- No appearance

P.DHANABAL, J.

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ORDER

This Civil Miscellaneous Petition has been filed by the petitioners to set aside the abatement caused due to the death of the 1st Respondent in the above S.A.No.1385 of 2010.

2. The other side have not appeared.

3. Considering the reasons stated in the affidavit filed in support of this petition and this court has already allowed the condone delay petition and in order to give a fair chance to the petitioners, it is appropriate to allow this petition.

4. Accordingly, this Civil Miscellaneous Petition stands allowed.

28-10-2026

(2/3)

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CMP No. 21688 of 2024
IN SA NO. 1385 OF 2010

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