



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

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CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CMP No. 17995 of 2025

in SA.No.522 of 2015

Pachaiyappan(Deceased),

1.Gubendiran

2. Munusamy

.Petitioners

Vs

RANGANATHAN(DIED)

1.Rajendran

2.Mahendiran

3. Ramesh

4. Amutha

5. Ravi

6. Kumari

7. Vijayalakshmi

Kaveri(died)

8.Deepa

9. Prasanth

..Respondents

PRAYER: To condone the delay of 1629 days in seeking to set aside the abatement caused due to the death of the deceased sole Appellant/Pachaiyappan and thus render justice



For Petitioners:

R.Karthikeyan

For Respondents:

R1- Died

R2 to R4 -Served - No appearance

R5 – Mr.K.G.Senthilkumar

R6 to R9 – Served No appearance

ORDER

This Civil Miscellaneous Petition is filed by the petitioners to condone the delay of 1629 days to set aside the abatement caused due to the death of the deceased sole Appellant/Pachaiyappan.

2. According to these petitioners, the sole appellant died and this petitioner and the respondents 6 to 9 are the legal heirs of the deceased appellant and the respondents 6 to 9 are not cooperating with the petitioners. Therefore, the petitioners have filed the petition to implead them as the appellants and hence, there is a delay of 1629 days in filing the petition.

3. The appellant died during the Covid pandemic period and thereafter, the learned counsel for the petitioners is also unable to contact the petitioners and thereafter in the month of June 2024, they came to know about the case through their counsel and therefore there is a delay in filing this petition. The said delay is neither wilful nor wanton. Hence, the learned counsel for the petitioners prays to allow this petition.



4. The other side have not seriously objected to allow this petition.

5. Despite service of notice, the respondents 6 to 9 have not appeared before this court.

6. Considering the reasons stated in the affidavit, facts and circumstances of the case and in order to give a fair chance to the petitioners, it is appropriate to allow this petition. Accordingly, this Petition is allowed.

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(1/3)

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P.DHANABAL, J.

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