Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE S.KARTHIKEYAN

CMP Nos. 23897, 23899 and 23900 of 2026
in
SA No. 301 of 2018

K.K.Thippan,(deceased),

1. T.Swaminathan
2. T.Devaraj (Since Deceased)
3. Lakshmi
4. Easwari
5. Narayanan
6. Sivashankari
7. Jenitha Devaraj
8. D.Priyanka
9. D.Viyas ..Petitioners in all petitions

Vs

1. K.Nanjan (since deceased).
2. N.Venugopal
3. Parvathy Nanjan (since deceased).
4. Sundari Nanda ..Respondents in all petitions

CMP No. 23897 of 2026

Prayer: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act praying to condone the delay of 196 days in filing the above CMP to set aside the abatement and to bring on record the Legal heirs/representatives of the 2nd Appellant in the above Second Appeal in SA.No.301 of 2018.

CMP No. 23899 of 2026

Prayer: Civil Miscellaneous Petition filed under Order 22, Rule 3 of CPC praying to set aside the abatement of bringing the legal heirs/representatives of the deceased second petitioner/appellant herein on record.

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CMP No. 23900 of 2026

Prayer: Civil Miscellaneous Petition filed under Order XXII, Rule 3 of CPC praying to bring on record the following legal heirs/representatives of the deceased second appellant herein:

(i) Jenitha (Wife), aged about 53 years,

(ii) Ms.D.Priyanka (Daughter), aged about 34 years and

(iii) D.Viyas (Son), aged about 30 years

in the above Second Appeal in S.A.No.301 of 2018.

For Petitioners in all CMPs	:	Mr.T.R.Sathiyamohan
For Respondents in all CMPs	:	Mr.Adaresh Subramanian for M/s.Anirudha Krishnan

COMMON ORDER

Pending the Second Appeal, the second appellant died on 06.08.2025 leaving behind him his legal representatives viz., the petitioners 7 to 9 herein. According to the learned counsel for the appellants, despite the death of the second appellant, the right to sue survives on his legal heirs. However, since no steps have been taken to bring the legal representatives on record, the appeal stood abated. Therefore, the appellants have come up with the present applications seeking for condoning the delay in filing application to set aside the abatement; to set aside the abatement and to bring the legal representatives on record.

2. The learned counsel for the respondents has no objection for

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allowing these applications since the matter has already been settled between the parties.

3. Considering the said position, this Court is inclined to allow these applications. Accordingly, the applications are allowed. Registry is directed to make necessary amendments and post the case on 23.11.2026.

4. The parties are directed to appear on 23.11.2026 either in person or through virtual mode.

04-11-2026

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

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S.KARTHIKEYAN, J.

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