



CMP NOS.9209, 9214 & 9216 OF 2026
IN S.A.NO.1855 OF 2003

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2026

CORAM

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

CMP NOS.9209, 9214 AND 9216 OF 2026
IN
S.A.NO.1855 OF 2003

1.A.N.Periasami Padayachi (Died) ... 1st Appellant
in all CMPs'

2.A.P.Raja
S/o. Late Periasami Padayachi
Oogakur Village Post,
Kunnam Taluk, Perambalur District. ... 1st Petitioner /
2nd Appellant
in all CMPs'

3.S.Suguna (Died) ... 3rd Appellant
in all CMPs'

Legal heirs of 3rd appellant

4.Samy Kannu
S/o. Chidambram

5.Indira
D/o. Samy Kannu

6.Agilan (Minor)
Represented by his father and
Natural Guardian Velavan



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7.Dhevesh (Minor)
Represented by his father and
Natural Guardian Velavan

... Petitioners 4-7 /
Proposed Appellant 4-7
in all CMPs'

Petitioners 4 to 7 are residing at
No.1/5/3, West Street,
Agaram Sigoor, Kunnam Taluk,
Perambalur District.

Versus

1.Renganayaki Ammal (Died)
2.Rajendran
Peruvalanallur Taluk,
Elalkudi Taluk.

... Respondents /
Proposed Respondents
in all CMPs'

PRAYER IN CMP NO.9209 / 2026: Civil Miscellaneous Petition filed under Section 5 of Limitation Act, 1963, praying to condone the delay of 1089 days in setting aside the abatement caused due to the death of the third appellant namely S.Suguna in the above Second Appeal.

PRAYER IN CMP NO.9214 / 2026: Civil Miscellaneous Petition filed under Order XXII Rule 9(2) of the Code of Civil Procedure, 1908, praying to set aside the abatement caused due to the death of the third appellant namely S.Suguna in the above Second Appeal.

PRAYER IN CMP NO.9216 / 2026: Civil Miscellaneous Petition filed under Order XXII Rule 3 of the Code of Civil Procedure, 1908, praying to bring on record the petitioners 4 to 7 herein as legal representatives of the deceased third appellant namely S.Suguna and array them as appellants 4 to 7 in the above Second Appeal.

For Petitioners in all CMPs' : Mr.K.A.Vimalkumar



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COMMON ORDER

The Civil Miscellaneous Petition in CMP No.9209 of 2026 has been filed under Section 5 of Limitation Act, 1963, praying to condone the delay of 1089 days in setting aside the abatement caused due to the death of the third appellant namely S.Suguna in the above Second Appeal.

2.The Civil Miscellaneous Petition in CMP No.9214 of 2026 has been filed under Order XXII Rule 9(2) of the Code of Civil Procedure, 1908, praying to set aside the abatement caused due to the death of the third appellant namely S.Suguna in the above Second Appeal.

3.The Civil Miscellaneous Petition in CMP No.9216 of 2026 has been filed under Order XXII Rule 3 of the Code of Civil Procedure, 1908, praying to bring on record the petitioners 4 to 7 herein as legal representatives of the deceased third appellant namely S.Suguna and array them as appellants 4 to 7 in the above Second Appeal.



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4.This Court has perused the case file.

5.Having satisfied with the reasons stated in the accompanying affidavits,

(i) the petition in CMP No.9209 of 2026 is allowed and the delay of 1089 days in seeking to set aside the abatement caused due to the death of the third appellant in the above Second Appeal is condoned;

(ii) the petition in CMP No.9214 of 2026 is allowed and the abatement caused due to the death of the deceased third appellant is set aside; and

(iii) the petition in CMP No.9216 of 2026 is allowed and the legal representatives of the deceased third appellant as stated in the accompanying affidavit in CMP No.9216 of 2026 are brought on record.



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6.Registry is directed to carry out necessary amendment in the cause title in the Memorandum of Grounds of Appeal and list the Second Appeal on 05.06.2026.

08.04.2026

(3/7)

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R. SAKTHIVEL, J.

TK

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