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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

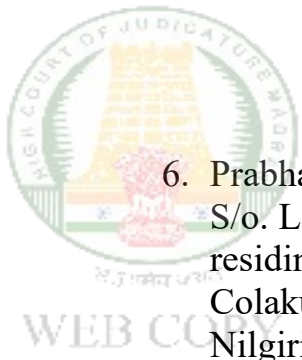
C.M.P.Nos.21164 to 21166 of 2024

S.A.No.1395 of 2011

V.Krishnan (deceased)

...Petitioner/Appellant

1. Kamalam,
W/o. Late Krishnan,
residing at 16/40, Colakumbay Bazaar,
Colakumbay,
Nilgiris 643 218.
2. Sudhakaran,
S/o. Late Krishnan,
residing at 16/40, Colakumbay Bazaar,
Colakumbay,
Nilgiris 643 218.
3. Sulomani,
D/o. Late Krishnan,
residing at 16/40, Colakumbay Bazaar,
Colakumbay,
Nilgiris 643 218.
4. Venashkumar,
S/o. Late Krishnan,
residing at 16/40, Colakumbay Bazaar,
Colakumbay,
Nilgiris 643 218.
5. Padma,
D/o. Late Krishnan,
residing at 16/40, Colakumbay Bazaar,
Colakumbay,
Nilgiris 643 218.



6. Prabhakaran
S/o. Late Krishnan,
residing at 16/40, Colakumbay Bazaar,
Colakumbay,
Nilgiris - 643 218.

...Petitioners/Proposed
Petitioner Nos.2 to 7 in
all CMPs

Vs

Colakumbay Tea Manufacturers Pvt. Ltd.,
rep. by its Chief Executive
Mr.R.P.Raaj,
having its registered office at
Colakumbay Tea Estate,
Colakumbay,
The Nilgiris-643 218.

..Respondent/Respondent
in all CMPs

Prayer in C.M.P.No. 21164 of 2024: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, 1963, praying to condone the delay of 775 days to set aside the abatement of S.A.No.1395 of 2011 insofar as the deceased 1st Appellant is concerned.

Prayer in C.M.P.No. 21165 of 2024: Civil Miscellaneous Petition filed under Order XXII Rule 9 read with Section 151 of the Code of Civil Procedure, 1908, praying to set aside the abatement of the deceased sole Appellant in S.A.No.1395 of 2011 insofar as the deceased 1st Appellant is concerned.

Prayer in C.M.P.No. 21166 of 2024: Civil Miscellaneous Petition filed under Order XXII Rule 3 of the Code of Civil Procedure, 1908, praying to bring on record the petitioners herein who are the legal heirs of the deceased sole Appellant, as the Appellant Nos.2 to 7 in the above S.A.No.1395 of 2011.



For Petitioner(s) : Ms.J.Archana

For Respondent(s): Mr.Divine Rojer
for Mr.S.K.Rakhunathan

Common Order

Ms.J.Archana, Counsel for the Petitioners and Mr.Divine Rojer representing Mr.S.K.Rakhunathan, Counsel on record for the Respondent are before this Court.

2.Mr.S.K.Rakhunathan, takes notice for the sole Respondent. The sole Appellant passed away on 03.06.2021 leaving behind the Petitioner Nos.1 to 6 as his legal heirs/legal representatives of the deceased sole Appellant.

3.The reasons stated in the affidavit is satisfied.

4.Representing Counsel for the Respondent fairly submits that with a view to decide the matter on merits, he has no objection to allow these petitions.

5.In view of the affidavit and the submissions made by either side, this Court is inclined to allow these Civil Miscellaneous Petitions.

6.Accordingly, these Civil Miscellaneous Petitions are allowed.

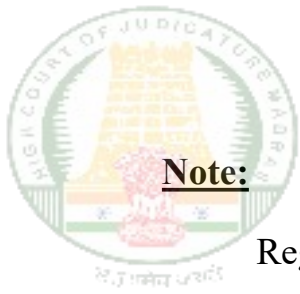
07-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MPS



Note:

Registry is directed to carry out necessary amendment in the Memorandum of grounds of appeal and list the matter on 29.04.2026 for hearing along with S.A.Nos.1394, 1398 and 1502 of 2011.

To

1.The Subordinate Court,
Ootacamund,
Nilgiris.

2.The District Munsif -cum- Judicial Magistrate,
Coonoor.



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C.M.P.Nos.21164 to 21166 of 2



R.SAKTHIVEL J.

MPS

C.M.P.Nos.21164 to 21166 of 2024

S.A.No.1395 of 2011

**07-04-2026
(1/2)**