



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2026

CORAM

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CMP.Nos. 29606 & 29610 of 2025

in

S.A. Nos. 757 & 758 of 2013

1.Minor Sakthivel
S/o.Late.Kesavan

... 1st Petitioner in
CMP No.29606 of 2025 /

2nd Petitioner in
CMP No.29610 of 2025

2.Minor Santhosh Kumar
S/o. Late.Kesavan
(Minor Ashok Kumar died)

... 2nd Petitioner in
CMP No.29606 of 2025 /

3rd Petitioner in
CMP No. 29610 of 2025

3.Dhanalakshmi
Minors rep. By their mother and
natural guardian Dhanalakshmi

... 3rd Petitioner in
CMP No.29606 of 2025 /

1st Petitioner in
CMP No.29610 of 2025

Versus



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1.Chakravarthy
S/o.Appasamy

2.Kuppammal
W/o.Appasamy

... Respondents 1 and 2 in
both CMPs'

3.Natarajan
S/o.Annamalai

... 3rd respondent in
CMP No.29610 of 2025

3.Lakshmi
W/o. Natarajan

4.Ramaurthy
S/o.Radhakrishna Naidu

5.Venkat
S/o.Radhakrishna Naidu

6.Varadhan
S/o.Duraisamy

7.Sankar
S/o.Kuppan

... Respondent Nos.3 to 7 in
CMP No.29606 of 2025

PRAYER IN CMP NO.29606 OF 2025: Civil Miscellaneous Petition filed under Order XLI Rule 19 r/w Section 151 of the Code of Civil Procedure, 1908, praying to set aside the Judgment dismissing the Second Appeal made in S.A.No. 757 of 2013, dated February 9, 2024 on the file of this Court and restore the same to the file of this Court.

PRAYER IN CMP NO.29610 OF 2025: Civil Miscellaneous Petition filed under Order XLI Rule 19 r/w Section 151 of the Code of Civil Procedure, 1908, praying to set aside the Judgment dismissing the Second Appeal made in SA.No. 758 of 2013, dated February 9, 2024 on the file of this Court and restore the same to the file of this Court.



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For Petitioners : Ms.H.Priyanka
in both CMPs' For Mr.M.Venkadeshan

For Respondent-1
in both CMPs' : Mr.R.Thirugnanam

COMMON ORDER

Ms.H.Priyanka, representing Mr.M.Venkadeshan, learned Counsel on record for the petitioners in both CMPs' and Mr.R.Thirugnanam, learned Counsel on record for the Respondent No.1 in both CMPs' are before this Court.

2.These Civil Miscellaneous Petitions are filed praying to set aside the common Judgment dated February 9, 2024 dismissing the Second Appeals made in S.A.Nos.757 and 758 of 2013, both with a delay of 519 days. The said delay was condoned by this Court vide Order dated November 6, 2025 made in CMP No.21638 of 2025 in S.A.No.758 of 2013 and CMP.No.24792 of 2025 in S.A.No.757 of 2013.

3.Mr.R.Thirugnanam, learned Counsel appearing for the first respondent reiterating the counter averments would contend that the petitioners have filed these Civil Miscellaneous Petitions only with a view



to drag on the proceedings and there is no merit in these Second Appeals.

Accordingly, he prays to dismiss these Civil Miscellaneous Petitions.

4. Heard on both sides. This Court has perused the case file.

5. This Court has already allowed the Civil Miscellaneous Petitions filed under Section 5 of the Limitation Act. These Civil Miscellaneous Petitions are consequential petitions. Hence, in the interest of justice and with a view to decide the Second Appeals on merits, this Court is inclined to allow these Civil Miscellaneous Petitions. Accordingly, these Civil Miscellaneous Petitions are allowed. The common Judgment made in S.A.Nos.757 and 758 of 2013 dated February 9, 2024 is set aside. Consequently, both the Second Appeals are restored to the file of this Court.

6. List these Second Appeals on 16.03.2026.

06.03.2026

(1/2)

MSM/TK

4/6



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R.SAKTHIVEL, J.

MSM/TK

CMP.NOS.29606 & 29610 OF 2025
IN
S.A. NOS. 757 & 758 OF 2013

06.03.2026
(1/2)



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