Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CMP No. 22400 of 2026
IN
SA NO. 333 OF 2011

Arulmigu Nageswara Swamy
and Varadaraja Perumal Temples,
Kondalam,
Rep by its Fit Person,
Executive officer.

..Petitioner

Vs

1. Ganapathy
   S/o. Late. Muthusamy Gounder,
   Purathipalayam,
   Kolathupalayam Village,
   Erode Taluk.
2. Chinnasamy
   S/o. Late. Muthusamy Gounder,
   Purathipalayam,
   Kolathupalayam Village,
   Erode Taluk.

3. Kandasamy
   (Deceased)

4. Paramasivam
   S/o. Late. Chinnasamy Gounder,
   Karattur,
   Kolathupalayam Village,
   Erode Taluk.
   Karuppanna Gounder (died)
   Periyammal (died)

5. K. Balasubramanian
   S/o. Late. Karuppanna Gounder,
   Kuthagaitharar House,
   Karattur,

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Unjalur Post,
Erode Taluk.
Padmavathy (died)

6. Menaka
W/o. Thangavel,
Kuthagaitharar House,
Karattur,
Unjalur Post,
Erode Dt.

7. Sivakumar
S/o. S. Sadasivam,
R.K. Pudur,
Passur Post,
Erode Dt.

8. Sasikala
W/o. Elango,
R.K. Pudur,
Passur Post,
Erode Taluk.

9. K. Vivekandan
No.40, Karatur,
Kolathapalayam (B) Village,
Kodumudi Taluk,
Erode.

..Respondent(s)

SA No. 333 of 2011

ARULMIGU NAGESWARA SWAMY &
Varadaraja Perumal Temples, Kondalam Rep.By
Its Fit Person, Executive Officer

Appellant(s)

Vs

1. GANAPATHY
S/O LATE MUTUSAMY GOUNDER,
PURATHIPALAYAM
KOLALTHUPALAYAM VILLAGE, ERODE
TALUK
2. Chinnasamy

Respondent(s)

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S/o Late Muthusamy Gouner, Purathipalayam
Kolathurpalayam Village, Erode Taluk

3. Kandasamy
S/o Late Chinnasamy Gounder, Karattur
Kolathupalayam Village, Erode Taluk

4. Paramasivam
S/olate Chinnasamy Gounder, Karatur
Kolathurpalayam Village, Erode Taluk
Karuppanna Gounder Died Periyammal Died

5. K. Balasubramnaian
S/o Late Karuppanna Gounder,
Kuthagaitharar House, Karattur, Unjalur
Post, Erode Taluk Padmavathy Died

6. Menaka
W/o Thangavel Kuthagaitharar House ,
Karattur Unjalur Post, Erode Taluk

7. Sivakumar
S/o. S. Sadasivam R.K. Pudur, Passur Post ,
Erode Taluk

8. Sasikala
W/o Elango R;k. Pudur, Passur Post, Erode
Taluk.

PRAYER IN CMP No. 22400 of 2026: This Civil Miscellaneous Petition is filed under order XXII Rule 9 (2) of CPC to pass an order of setting aside the abatement of proceedings in SA No.333 of 2011 caused due to the death of the Deceased 3rd respondent and pass such further or other orders in the facts and circumstances of the case and justice thus rendered.

For Petitioner: Mr.K. Ashok Kumar
For Respondent(s): Mr.K.Karthikeyan

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P.DHANABAL, J.

GV

ORDER

This Civil Miscellaneous Petition has been filed by the petitioner to set aside the abatement caused due to the death of the deceased 3rd Respondent in the above S.A.No.333 of 2011.

2. The other side have not seriously objected for allowing this petition.

3. Considering the reasons stated in the affidavit filed in support of this petition and this court has already allowed the condone delay petition and in order to give a fair chance to the petitioner, it is appropriate to allow this petition.

4. Accordingly, this Civil Miscellaneous Petition stands allowed.

29-10-2026
(5/6)

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

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CMP No. 22400 of 2026
IN SA NO. 333 OF 2011

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CMP No. 22400 of 2026

To

1. Ganapathy
   S/o. Late. Muthusamy Gounder,
   Purathipalayam,
   Kolathupalayam Village,
   Erode Taluk.
2. Chinnasamy
   S/o. Late. Muthusamy Gounder,
   Purathipalayam,
   Kolathupalayam Village,
   Erode Taluk.

3. Kandasamy
   (Deceased)

4. Paramasivam
   S/o. Late. Chinnasamy Gounder,
   Karattur,
   Kolathupalayam Village,
   Erode Taluk.
   Karuppanna Gounder (died)
   Periyammal (died)

5. K. Balasubramanian
   S/o. Late. Karuppanna Gounder,
   Kuthagaitharar House,
   Karattur,
   Unjalur Post,
   Erode Taluk.
   Padmavathy (died)

6. Menaka
   W/o. Thangavel,
   Kuthagaitharar House,
   Karattur,
   Unjalur Post,
   Erode Dt.

7. Sivakumar
   S/o. S. Sadasivam,
   R.K. Pudur,

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Passur Post,
Erode Dt.

8. Sasikala
W/o. Elango,
R.K. Pudur,
Passur Post,
Erode Taluk.

9. K. Vivekandan
No.40, Karatur,
Kolathapalayam (B) Village,
Kodumudi Taluk,
Erode.

SA No. 333 of 2011

To

1. GANAPATHY
S/O LATE MUTUSAMY GOUNDER,
PURATHIPALAYAM
KOLALTHUPALAYAM VILLAGE, ERODE
TALUK
2. Chinnasamy
S/o Late Muthusamy Gouner, Purathipalayam
Kolathurpalayam Village, Erode Taluk

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W/o Thangavel Kuthagaitharar House ,

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Karattur Unjalur Post, Erode Taluk

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   S/o. S. Sadasivam R.K. Pudur, Passur Post ,
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