



*C.M.P.Nos.26398, 26448 and 26450 of 2024*  
*in*  
*SA.No.1297 of 2010*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2026

CORAM

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

**C.M.P.Nos.26398, 26448 and 26450 of 2024**  
**in**  
**SA.No.1297 of 2010**

S.Sundaram Gurukkal (Died)

1.S.Thirupura Sundari,  
W/o.Sundaram Gurukkal,

2. S.Sethil Nathan  
S/o.Sundaram Gurukkal,

3. S.Gomathi,  
D/o.Sundaram Gurukkal,

4. A.Abirami,  
D/o.Sundaram Gurukkal,

5. S.Vijaya Kumar,  
S/o.Sundaram Gurukkal,

...Petitioners/Legal Heirs of the  
deceased appellant in all the petitions

Vs.

1. Rajalakshmi  
W/o.Sri La Sri Rajalinga Manicka Swamigal,

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2.Sri La Sri Raja Saravana Manicka Swamigal,  
S/o.Sri La Sri Rajalinga Manicka Swamigal,

3. Tamil Nadu Electricity Board by its Superintending Engineer,  
Erode & District.

4. The Assistant Engineer (O & W),  
Tamil Nadu Electricity Board,  
Pallagoundanpalayam,  
Perundurai Taluk,  
Erode District.

...Respondents/Respondents  
in all the petitions

Prayer in **CMP.No.26398 of 2024**: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, to condone the delay of 40 days in filing the petition to set aside the abatement caused due to the death of the deceased appellant namely Sundaram Gurukkal in the above appeal and rank them as appellant 1 to 5 in the above S.A.No.1297 of 2010.

Prayer in **CMP No.26448 of 2024**: Civil Miscellaneous Petition filed under Order 22 Rule 9 of C.P.C., to set aside the abatement caused due to the death of the deceased appellant namely Sundaram Gurukkal in the S.A.No.1297 of 2010.

Prayer in **C.M.P.No.26450 of 2024**: Civil Miscellaneous Petition filed under Order 22 Rule 3 of C.P.C., to permit the petitioners to bring on record the legal heirs of the deceased appellant namely Sundaram Gurukkal in the



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above appeal and rank them as appellants 1 to 5 in the above S.A.No.1297 of 2010.

For Petitioners        ::        Mr.J.Titus Enock  
in all the petitions

For Respondents        ::        Mr.N.Manokaran  
in all the petitions

### **COMMON ORDER**

C.M.P.No.26398 of 2024 has been filed to condone the delay of 40 days in filing the petition to set aside the abatement caused due to the death of the deceased appellant, namely Sundaram Gurukkal.

2. C.M.P.No.26448 of 2024 has been filed to set aside the abatement caused due to the death of the deceased appellant, namely Sundaram Gurukkal.

3. C.M.P.No.26450 of 2024 has been filed to bring on record the legal heirs of the deceased appellant, namely Sundaram Gurukkal in the above appeal and rank them as appellants 1 to 5 in the above S.A.No.1297 of 2010.



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4. Heard the learned counsel for the respondents, who have not filed any counter to the said petitions.

5. This Court is satisfied with the reasons stated in the affidavit filed in support of these petitions. Accordingly, C.M.P.Nos.26398, 26448 and 26450 of 2024 are allowed.

6. The Registry is directed to carry out the necessary amendment and list the second appeal for hearing on any single sitting day after 23.03.2026.

12.03.2026

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**SUNDER MOHAN,J.**

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(2/2)