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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CMP Nos. 22258, 22260 and 22261 of of 2022
in SA No.245 of 2021**

Manivannan

S/o.Ramasami Padayatchi, Hotel Anandham, Opp.
Eganathar Koil, Pennadam Road, Vriddhachalam,
Cuddalore District-606001

..Appellant(s)

Vs

1. Kathiravan

S/o.Rajangam Mudaliar, No.42/67, Maraimalai
Adigal Street, Vriddachalam Town, Cuddalore
Dsitriect-606001

Mr Rajagopal (Died)

2. Gandhi

S/o.Rajagopal, Alichikudi Village and Post,
Vriddhachalam Taluk, Cuddalore
District-606001

3. Chinnadurai

S/o.Rajagopal, Alichikudi Village and Post,
Vriddhachalam Taluk, Cuddalore
District-606001

Mrs.Selvanayaki (died)

4. K.Kannan, S/o.Kaliyaperumal, Alichikudi

Village and post, Vriddhachalam Taluk,
Cuddalore District-606001

5. K.Kannadhasan, S/o.Kaliyaperumal, Alichikudi

Village and Post, Vriddhachalam Taluk,
Cuddalore District-606001

..Respondent(s)



CMP No.22258 of 2022: To condone the delay of 1358 days in filing the petition to set aside the abatement caused due to the death of 2nd Respondent in SA No.245/2021

CMP No.22260 of 2022: To set aside the abatement caused due to the death of 2nd Respondent in SA No.245/2021

CMP No.22261 of 2022: To bring on record the proposed respondents being the L.Rs of the deceased 2nd respondent as respondents 3 to 5 in the second appeal.

For Appellant(s): Mr.A.R.Karthik Lakshmanan

COMMON ORDER

It is seen from the affidavit filed by the petitioner that the 2nd respondent, namely Rajagopal died on 29.10.2018, even during pendency of the first appeal. Therefore, the second appeal presented against the deceased 2nd respondent is a nullity. In such circumstances, the petitioner/appellant is not entitled to maintain these applications to bring on record the legal representatives of the deceased R2 and also the other applications to condone the delay in filing petition to set aside the abatement caused due to the death of R2 and to set aside the abatement caused due to the death of R2. The proper course is to file a petition to amend the cause title so as to include the L.Rs of the deceased R2 and to file necessary petition to condone the delay in presenting the second appeal as far as the L.Rs of the deceased R2 are concerned.



2. In view of the above mentioned position, all the civil miscellaneous petitions are dismissed with liberty to the petitioner to file appropriate applications.

MST

12-03-2026



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CMP Nos. 22258, 22260, 22261 of 2



S.SOUNTHAR, J.

MST

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in S.A.No.245 of 2021**

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