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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 28-10-2026**

CORAM

**THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR**

**A.Nos.4440 & 4441 of 2026**
**in C.S.No.321 of 2019**
**and A.No.4932/2025, 6331 & 6332/2024, 2534/2026,**
**1641 & 1642/2021, 1622/2026 & OA.Nos.93 & 94/2020**

1. Sambath Kumar
2. Narayanan
3. Pradeep Kumar
4. Selvadurai
5. Nirmal
6. R.Rama Krishnan
7. A.Vijaya Kumar
8. Munuswamy
9. A.Baskar
10. D.Lokesh
11. K.Prakash

..Applicant(s)

Vs

1. Prabhu Ramakrishnan
2. Vishal Prasad
3. Mr.Ram Kumar Shrivastava



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4. Mrs.Anita Shrivastava

5. Mrs.Sangeetha Setpal

6. Mrs.Rashmi Khare

7. Mrs.Keerthi Shrivastava

8. Mr.Vijay Kumar Verma

9. Mr.Ajay Kumar Verma

10. Mrs.Neeta Shrivastava

11. Sub Registrar
Red Hills, Chennai- 52.

12. A.K.Nageswara Rao

13. Priyanshi Shrivastva,
**(defendants 24 and 25 brought on records as legal heirs of the deceased 3rd defendant as per order dated 22.06.2021 in A.No.923/2021)**

14. Yash Kumar Shrivastava

15. Shrimati Meeta Shrivastava

16. Harsh Shrivastava

17. Harsita Shrivastava

..Respondent(s)

**A No. 4441 of 2026**

1. Sambath Kumar and 10 others
No 15B, Shunmugam Nagar, Padharikuppam,
Cuddalore.



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2. Narayanan
   No.109, M.M. Colony, 2nd Street, A Block,
   Aminjikarai Chennai- 29

3. Pradeep Kumar
   No.1,2,3 SATYAVEDU Vardulu

4. Selvadurai
   No 113, Maduraisamy Madam, Perambur,
   Chennai- 11

5. Nirmal
   No.321, Perumal Kovil Street,
   Kannadapalayam, Pothur,
   Chennai- 62

6. R.Rama Krishnan
   No.321, Perumal Kovil Street,
   Kannadapalayam, Pothur,
   Chennai -62

7. A.Vijaya Kumar
   No.11, Thirumalai Nagar Extn II, Kolathur,
   Chennai- 99

8. Munuswamy
   No.109, M.M. Colony, 2nd Street, A Block,
   Aminjikarai, Chennai-29

9. A.Baskar
   No.1, V Block, S.S.Puram, Bricklin Road,
   Purasawalkkam, Chennai- 7.

10. D.Lokesh
    Barakka Road, 2nd Street, Nammalvarpet,
    Chennai- 12.

11. K.Prakash
    10, Nallama Naidu Street, nammalvarpet,
    Chennai- 12.

..Applicant(s)

Vs



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1. Prabhu Ramakrishnan And 16 Others
   N.No.3, Venkatachalam Chetty Street,
   Triplicane, Chennai-5.

2. Vishal Prasad
   Old No.2, New No.3, Venkatachalam Chetty
   Street, Triplicane, Chennai 5.

3. Mr.Ram Kumar Shrivastava
   H.No.687, Near Dr. Arua Bhatnagar Clinic,
   Near Sheetalamai, Ghamapur,
   Jabalpur.

4. Mrs.Anita Shrivastava
   No.G/109, Bangala Desh Colony, Ahartal
   Krishi Nagar, Jabalpur.

5. Mrs.Sangeetha Setpal
   Railway Qtr No.RN -II/279/7, 2nd Bridge
   Prakash Colony Civil Line,
   Jabalpur.

6. Mrs.Rashmi Khare
   No.90, Quarter, Sanjeevnee Nagar
   Jabalpur.

7. Mrs.Keerthi Shrivastava
   Behind Shubj Motors, Near Kachh Patiar
   Samaj, Maha Nada Roa,
   Jabaalpur.

8. Mr.Vijay Kumar Verma
   Infront of Shakti Apartment, Madhan Maha
   station Road, Jabalppur.

9. Mr.Ajay Kumar Verma
   No.1728, Wright Town, Infront of Shakti
   Apartment, Madhan Maha Station Road,
   Jabalppur.



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10. Mrs.Neeta Shrivastava
No.90, B Sharada Kunj, Phase II, Behind
Shravan Kanta State Ayodhaya By Pass,
P.P.Pipalani, Bhopal.

11. Sub Registrar
Red Hills, Chennai-52.

12. A.K.Nageswara Rao
No.86/1, BARACKA rOAD, varadammal
Garden, third Street, Kilpauk,
Chennai 10.

13. Priyanshi Shrivastva,
defendants 24 and 25 brought on records as
legal heirs of the deceased 3rd defendant as per
order dated 22.06.2021 in A.No.923/2021

14. Yash Kumar Shrivastava
both residing at No.D/225, Maa Narmade nagar,
behind swami Aiyappa School, Bilher i,
Mandala Road, Jabalpur(MP)

15. Shrimati Meeta Shrivastava
W/o.Shyam Kumar Shrivastava

16. Harsh Shrivastava
S/o.Shyam Kumar Shrivastava

17. Harsita Shrivastava
D/o.Shyam Kumar Shrivastava,
Defendants 26 to 28 are residing at Rb/V/355/4,
Infront of Hotel Lovely inn,
Near railway Station, Satpura Club, Civil Line,
Jabalpur, (MP)

..Respondent(s)

**A No. 4440 of 2026**

To permit the Applicants to amend A.No.1622 of 2026 in C.S.No.321 of 2019 on the file of this Court as per the particulars provided in the Schedule to the Judges Summons.



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**A No. 4441 of 2026**

To permit the Applicants to amend A.No.2534 of 2026 in C.S.No.321 of 2019 on the file of this Honble Court as per the particulars provided in the Schedule to the Judges Summons,

**A Nos. 4440 & 4441 of 2026**

For Applicant(s): Mr.P.MOHAN KUMAR
in both A.Nos.

For Respondent(s): Mr.S.Pugalanthi
in both A.Nos.

**COMMON ORDER**

The counter affidavit filed by the respondents 1 and 2/plaintiffs 1 and 2 in both A.Nos.4440 and 4441 of 2026 is taken on record.

2. A.No.4440 of 2026 has been filed seeking permission to amend A.No.1622 of 2026 in C.S.No.321 of 2019, which was filed to receive additional documents.

3. It is stated that the second applicant in A.No.1622 of 2026, who is the 12th defendant in the suit, died on 13.11.2025. However, due to inadvertence and oversight, his demise was not disclosed in the application, which was filed on his behalf.



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4. It is further stated that the omission was neither wilful nor deliberate. The deceased 12th defendant is survived by the 11th and 7th applicants as his legal heirs. Since the 7th applicant is already on record as the 18th defendant in the suit, the estate of the deceased 12th defendant is represented by him in the present proceedings.

5. The learned counsel for the respondents/plaintiffs opposed the applications on the ground that A.Nos.4440 and 4441 of 2026 are not maintainable, as they were filed on behalf of a deceased defendant.

6. Be that as it may, the affidavits clearly explain that the demise of the 12th defendant was not disclosed due to inadvertence and that the omission was neither deliberate nor intentional. In the circumstances, allowing the applications would not cause any prejudice to the respondents/plaintiffs.

7. Requiring the applicants to file fresh applications would only delay the proceedings and would not serve the ends of justice. Accordingly, both applications are allowed. In A.No.4441 of 2026, the relief sought is the same as that sought in A.No.2534 of 2026, which was also filed to receive additional documents.



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8. By way of a common order in A.Nos.4440 and 4441 of 2026, it is directed that the word "deceased" shall be inserted after the name of the second applicant in both applications. Further, after the description of the 11th applicant in both applications, as set out in the affidavits and Master Summons, the following particulars shall be incorporated:

"12. L.Ramani
W/o.D.Lokesh
No.19/43, Barakka Road, 2nd Street
Nammalwarpet, Perambur,
Chennai 600 012."

9. Post the main case on 17.11.2026.

**28-10-2026**

DNA

**To**

The Sub Registrar
Red Hills, Chennai- 52.



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**HEMANT CHANDANGOUDAR J.**

**DNA**

**A.Nos.4440 & 4441 of 2026**
**in C.S.No.321 of 2019**
**and A.No.4932/2025, 6331**
**& 6332/2024, 2534/2026,**
**1641 & 1642/2021, 1622/2026**
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