Order QR

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 03-11-2026**

CORAM

**THE HON'BLE MR.JUSTICE P. DHANABAL**

**CMP No. 25771 of 2026**
**IN**
**SA NO. 1126 OF 2011**

1. Ellappan
   S/o Kakkayan @ Ellappan,
   residing at Kattuvaluvu,
   Kattanahalli Village,
   Palacode Taluk,
   Dharmapuri District.
2. Rathinammal,
   W/o Elappan
   residing at Kattuvaluvu,
   Kattanahalli Village,
   Palacode Taluk,
   Dharmapuri District.

3. Saravanan,
   S/o Ellappan,
   residing at Kattuvaluvu,
   Kattanahalli Village,
   Palacode Taluk,
   Dharmapuri District.

4. Papa @ Gangadevi
   W/o Saravanan
   residing at Kattuvaluvu,
   Kattanahalli Village,
   Palacode Taluk,
   Dharmapuri District.

..Petitioners

Vs

1. Varathappan
   S/o Late Sellappa Gounder,
   Retired VAO, Atkattanahalli Village
   Palacode Taluk,



https://www.mhc.tn.gov.in/judis

WEB COPY

Dharmapuri District.

2. Chinnadurai @ Munusamy
(Died)

3. Ettiya Gounder
(Died)

4. Vasantha
W/o Chinnadurai @ Munusamy,
Katanahalli Village,
Palacode Taluk,
Dharmapuri.

5. Vadivelu,
S/o Chinnadurai @ Munusamy,
Kattanahalli Village,
palacode Taluk,
Dharmapuri.

6. Orukkamalai,
S/o Chinnadurai @ Munusamy,
Kattanahalli Village,
Palacode Taluk,
Dharmapuri.

7. Revathy,
D/o Chinnadurai @ Munusamy,
Kattanahalli Village,
Palacode Taluk,
Dharmapuri.

8. Shankar,
S/o Chinnadurai @ Munusamy,
Kattanahalli Village,
Palacode Taluk,
Dharmapuri.

9. Settayee,
D/o Late Ettiya Gounder ,
W/o Varathappan,
D.No.4/950, Periyampatty,
Periyanahalli Village,
Kariamangalam Taluk,



https://www.mhc.tn.gov.in/judis

WEB COPY

Dharmapuri

..Respondent(s)

**SA No. 1126 of 2011**

1. Ellappan
   S/o Kakkayan @ Ellappan At Kattuvaluvu
   Kattanahalli Village Palacode Tk Dharmapuri
   Dist
2. Rathinammal
   W/o Ellappan At Kattuvaluvu Kattanahalli
   Village Palacode Tk Dharmapuri Dist

3. Saravanan
   S/o Ellappan At Kattuvaluvu Kattanahalli
   Village Palacode Tk Dharmapuri Dist

4. Papa @ Gangadevi
   At Kattuvaluvu Kattanahalli Village Palacode
   Tk Dharmapuri Dist

Appellant(s)

Vs

1. VARATHAPPAN
   S/O LATE SELLAPAP GOUNDER VAO AT
   KATTANAHALLI VILLAGE PALACODE
   TKDHARMAPURI DIST
2. Chinnadurai @ Munusamy
   S/o Late Sellappa Gounder At Kattuvaluvu
   Kattanahalli Village Palacode Tk Dharmapuri
   Dist

3. Ettiya Gounder
   S/o Late Porappa Gounder Muthampatti Village
   Kottumaranhalli Manjira Palacode Tk
   Dharmapuri Dist

Respondent(s)

**PRAYER IN CMP No. 25771 of 2026:** This Civil Miscellaneous Petition is filed under Order 22 Rule 9 of CPC to set aside the abatement caused due to the death of 3rd respondent Ettiya Gounder in SA.No.1126 o 2011 and thus render justice.



https://www.mhc.tn.gov.in/judis

WEB COPY



**P.DHANABAL, J.**

**GV**

For Petitioners: For R.Arunmozhi Devan
for G.Rm.Palaniappan

For Respondent(s): Mr.V.Manohar

**ORDER**

This Civil Miscellaneous Petition has been filed by the petitioners to set aside the abatement caused due to the death of the 3rd Respondent in the above Second Appeal.

2. Already notice served on the respondents and they have appeared through their learned counsel. 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 petitioners, it is appropriate to allow this petition.

4. Accordingly, this Civil Miscellaneous Petition stands allowed.

**03-11-2026**

gv

(5/7)

**CMP No. 25771 of 2026**
**IN SA NO. 1126 OF 2011**



https://www.mhc.tn.gov.in/judis

WEB COPY





https://www.mhc.tn.gov.in/judis