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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CMP. No. 28898 of 2026
in SA.No.1119 of 2014

1. Shanmugham (Died)
   nil
2. Vasudevan (Died)
   nil

3. Manjula
   W/o. Sankar
   Veerasamrnanoor Village,
   Polur Taluk,
   Tiruvannamalai District

4. Sathya
   S/o. Sankar
   Veerasamrnanoor Village,
   Polur Taluk,
   Tiruvannamalai District.

5. Laxmi
   W/o. Late Shanmugam .
   No,20-20 ,Road Street,
   Veerasamrnanoor Village,
   Thumbur PO, Polur Taluk,
   Tiruvannamalai District.

6. Sankar
   S/o. Late Shanmugam
   No.39,Road Street,
   Veerasammanoor Village,
   Thumbur PO, Polur Taluk,
   Tiruvannamalai District.

7. Saridha
   D/o. Late Shanmugam
   No.62,Pilliar Street,
   Thennagur,Pulivoy,

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Tiruvannamalai District-604408

8. Tamilselvi
W/o. Late. Vasudevan
No.20-20 ,Road Street,
Veerasammanoor Village,
Thumbur PO, Polur Taluk,
Tiruvannamalai District-606902

9. Neelaveni
D/o. Late Vasudevan
No. 509 Pillaiyar Kovil Street, i
Kosalai,
Adinnamaiai,
Tiruvannamalai District - 606604

10. Neelakanden
S/o. Late Vasudevan
No.20-20 ,Road Street,
Veerasammanoor Village,
Thumbur PO, Polur Taluk,
Tiruvannamalai District.

..Petitioners

Vs

N.Munisami
S/o. Neelakanda Mudaliar
Veerasammanoor Village, Polur Taluk,
Tiruvannamalai District.

..Respondent(s)

PRAYER IN CMP No. 28898 of 2026: This Civil Miscellaneous Petition is filed under Section 5 of Limitation Act to condone the delay of 771 days in filling the application to set aside the abatement against the 1st appellant in above second appeal in S.A.No. 1119 of 2014 and thus render justice.

For Petitioners: Mr.M.Elango

For Respondent(s): Mr.V.Murali

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ORDER

This Civil Miscellaneous Petition has been filed to condone the delay of 771 days in filing the application to set aside the abatement caused due to the death of the 1st Appellant.

2. According to the petitioners, they are the legal heirs of the deceased 1st appellant. During the pendency of the appeal, the 1st appellant died leaving behind the petitioners as his legal heirs. Therefore, they have filed this petition to implead them as the legal representatives of the 1st Appellant. Since the applicants are the agriculturalists and pre-occupied in the agricultural work, they are unable to inform the death of the 1st Appellant to their learned counsel and take steps to implead them as parties in the case. Therefore, there is delay of 771 days in filing this petition to set aside the abatement caused due to the death of the 1st appellant.

3. The respondents denied the contention of the affidavit and filed the counter stating that the reasons stated by the petitioners are not genuine and the petitioners has left over the matter for nearly 2½ years and now they have not properly explained with adequate and acceptable reasons and thereby, resisted the petition.

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P.DHANABAL, J.

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4. This court heard both sides and perused the records.

5. The petitioners are the legal heirs of the 1st Appellant and the 1st Appellant died during the pendency of the appeal on 05.04.2024 and these petitioners are the legal heirs of the deceased 1st Appellant. Though the petitioners stated the reasons that they are the agriculturalists and pre-occupied with the agricultural work, they have not filed any sufficient proof for the same. However, in order to give a fair chance to the petitioners to prosecute the appeal and also considering the number of days of delay, it is appropriate to allow this petition.

6. Accordingly, this Civil Miscellaneous Petition stands allowed on payment of cost of Rs.1000/-*(Rupees One Thousand only)* to be paid by the petitioners to the learned counsel for the Respondent directly on or before 03.12.2026.

7. Post the main Appeal on 04.12.2026

24-11-2026
(1/2)

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CMP No. 28898 of 2026
in SA.No.1119 of 2014

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