

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CMP No. 1973, 1975 & 1979 of 2026

in

SA NO. 1398 OF 2002

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Senrayan,(died)

1. A.Chellammal,
W/o.Late Arumugham
D/o.Late Senrayan,
1-14/59-A, Vellakkaruttakadu
T.B.(Back Side), Sangagiri Taluk and Post
Salem District - 637301
2. C.Raja
S/o. Late Cenrayan,
1-14/59-C, Vellakkaruttakadu,
T.B(Back Side),.
Sangagiri Taluk and Post,
Salem District-637 301
3. A.Indirani
W/o. P. Annamalai,
No.4/13 (Old No.4/10)
West Street,
Johnson Nagar,
Salem-7
4. C.Subramanian
S/o. Late Centrayan,
1-14/59-A, Vellakkaruttakadu,
T.B (Back Side)
Sangagiri Taluk and Post,
Salem District-637301
5. C.Durairaj
S/o. Late Senrayan,
1-14/59-B,
Vellakkaruttakadu,

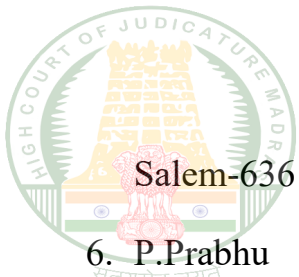


T.B. (Back Side),
Sangagiri Taluk and Post,
Salem District - 637301
(1 to 5 are L.Rs of the deceased Senrayan in
CMP.No.2754/2007)

.. Petitioners 1to 5
/Appellants in all CMPs

Vs

1. KUPPUSAMY (DIED)
1. P.Suresh alias Manikandan,
S/o.Perumal
Residing at No.3/15,
East Street,
Johnson Pettai,
Salem-636 007
2. P.Vijayarani, H
D/o.Perumal
Residing at No.3/15,
East Street,
Johnson Pettai,
Salem-636 007
3. P.Mageswaran
S/o.Perumal
Residing at No.3/15,
East Street,
Johnson Pettai,
Salem-636 007
4. P.Vennila
D/o.Perumal
Residing at No.3/15,
East Street,
Johnson Pettai,
Salem-636 007
5. P.Ramadoss
S/o.Perumal
Residing at No.3/15,
East Street,
Johnson Pettai,



Salem-636 007

6. P.Prabhu
S/o.Perumal
Residing at No.3/15,
East Street,
Johnson Pettai,
Salem-636 007

7. Thavamani
W/o.Perumal
Johnson Nagar,
3rd West Street
Hashampatti Post,
Salem-7

8. Tamarai
S/o.Late Kuppusamy
Vellakkaruttakadu
T.B.(Back Side) Road,
Sangagiri Taluk
Salem District - 637301

9. Kanthamani
D/o. Late Kuppusamy,
Sathya Nagar,
Vellakkaruttakadu,
T.B.Road,
Sangagiri Taluk and Post,
Salem District-637 301

.. Respondents 1 to 9/ respondents 2 to 10
in all CMPs.

10.Srinivasan
S/o. Late Kuppusamy,
Vellakkarathukadu,
T.B.Road,
Sangagiri Taluk and post,
Salem District-637 301

.. Respondent-10/ respondent-11
in all CMPs.

11. Natarajan
H/o.Vennila
D.No.4-198, Pandiyan Street,



KattyNaickanpatty
Avadathur, Jalagandapuram
Mettur Taluk, Salem District

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12. N.Srinivas

Grand son of perumal
D.No.4-198, Pandiyan Street,
KattyNaickanpatty
Avadathur, Jalagandapuram
Mettur Taluk, Salem District

.. Respondents 11&12/
proposed respondents 12 &13
in all CMPs.

13. Jayachandiran

Grand Son of Kuppan alias Kuppusamy
c/o. Thamaraiselvan
T.B.Road, Vellakarattukadu
Sankari Taluk, Salem District

14. Vijayakumar

Grand Son of Kuppan alias Kuppusamy
c/o. Thamaraiselvan
T.B.Road, Vellakarattukadu
Sankari Taluk, Salem District

15. Tamilarasi

Grand Daughter of Kuppan alias Kuppusamy
c/o. Thamaraiselvan
T.B.Road, Vellakarattukadu
Sankari Taluk, Salem District

.. Respondents 13 to 15/
proposed respondents 14 to 16
in all CMPs.

16. Chitra

Grand Daughter of Kuppan alias Kuppusamy
Annai Sathya Nagar
T.B.Road, Vellakarattukadu
Sankari Taluk, Salem District

17. Sheetha

Grand Daughter of Kuppan alias Kuppusamy
Annai Sathya Nagar
T.B.Road, Vellakarattukadu
Sankari Taluk, Salem District



18. Chandiran

Grand Son of Kuppan alias Kuppusamy
Annai Sathya Nagar
T.B.Road, Vellakarattukadu
Sankari Taluk, Salem District

19. Kutti

Grand Son of Kuppan alias Kuppusamy
Annai Sathya Nagar
T.B.Road, Vellakarattukadu
Sankari Taluk, Salem District.

.. Respondents 16 to 19/
proposed respondents 17 to 20 in all CMPs.

CMP No. 1973 of 2026

Prayer: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, 1963 praying to condone the delay of 2251 days to set aside abatement of the deceased Kanthamani the 9th respondent herein in SA No.1398/2002.

CMP No. 1975 of 2026

Prayer: Civil Miscellaneous Petition filed under Order XXII Rule 9(2) of the Code of Civil Procedure, 1908 praying to set aside abatement of the deceased Kanthamani the 9th respondent herein in SA No.1398/2002.

CMP No. 1979 of 2026

Prayer: Civil Miscellaneous Petition filed under Order XXII Rule 4 of the Code of Civil Procedure, 1908 praying to bring on record of the legal representatives Kanthamani, the 9th respondent herein namely 1. Chitra Grand Daughter of Kuppan @ Kuppusamy 2. Sheetha Grand Daughter of Kuppan @ Kuppusamy 3. Chandiran Grand Son of Kuppan @ Kuppusamy 4. Kutti Grand son of Kuppan @ Kuppusamy all are resi at Annai Sathya Nagar T.B.Road, Vellakarattukadu Sankari Taluk, Salem District and Rank them as proposed respondents 16 to 19 respectively in the above Second Appeal.



In all CMPs.



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For Petitioners: Mr.B.Gopalakrishnan

For Respondent(s):Mr. J. Sairam, for Mr. P. Jagadeesan,

COMMON ORDER

Mr.B.Gopalakrishnan, Counsel on record for the Petitioners and Mr. J. Sairam, representing Mr. P. Jagadeesan, learned counsel on record for Respondents Nos. 9 and 11, is before this Court.

2. These Petitions have been filed seeking condonation of a delay of 2251 days in filing the applications to set aside the abatement, to set aside the abatement and to bring on record the Legal Heir(s)/ Legal Representative(s) of the deceased ninth respondent.

3.This Court has perused the affidavits filed in support of the Petitions. The reasons stated therein are found to be satisfactory.

4. Considering the facts and circumstances of the case, and having regard to the age of the Second Appeal, which is of the year 2002, this Court is inclined, to allow these Petitions.

4. Accordingly, these Civil Miscellaneous Petitions are allowed as prayed for.

02.06.2026

jrs

Note : Registry is directed to carry out the necessary amendment in the Memorandum of grounds of Appeal.



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R.SAKTHIVEL.J,

jrs

**CMP No. 1973, 1975 & 1979 of 2026
in
SA NO. 1398 OF 2002**

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