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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2026

CORAM

THE HONOURABLE MR.JUSTICE R. SAKTHIVEL

CMP.No. 25395 of 2025

in

S.A. No. 485 of 2014

Aparanji Ammal (Since Died)
W/o. Balarama Naidu

B.Seshadri
S/o. Balarama Naidu

...Petitioner/Proposed Appellant

Versus

1.R.Jayaraman
S/o.Ramachandran

2.R.Krishnan
S/o.Ramachandran Naidu

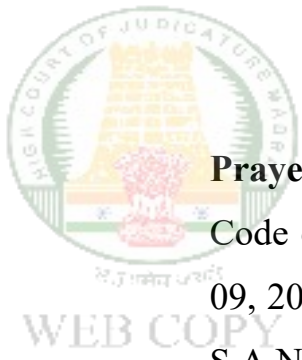
3.R.Kannan
S/o.Ramachandran Naidu

4.G.Kumar
S/o.Govindarajulu Naidu

...Respondents 1 to 4/Respondents

5.Vijayakumari
W/o. Govindaraj

...Proposed 5th Respondent/Third Party



Prayer: Civil Miscellaneous Petition filed under Order XLI Rule 19 of the Code of Civil Procedure, 1908, praying to set aside the Judgment dated June 09, 2014 dismissing the Second Appeal for non-prosecution and to restore the S.A.No. 485 of 2014 to file.

For Petitioner : Mr.M.R.Khapali

For Respondent-2 : Mr.G.Prakash

ORDER

Mr.M.R.Khapali, learned Counsel on record for the petitioner and Mr.G.Prakash, learned Counsel on record for the Respondent No.2 are before this Court.

2.This Court has perused the case file.

3.This Court has passed a Judgment dated June 9, 2014 dismissing the Second Appeal for non-prosecution. The petitioner herein, being the legal-heir(s)/legal representative(s) of the deceased sole appellant has filed petitions seeking to condone the delay in filing restoration petition; Restoration petition; petition to condone the delay in filing a petition to set aside the abatement caused due to the death of the sole Appellant; petition to set aside the abatement; petition to bring on record the proposed 5th respondent herein as legal heir(s)/legal representative(s) of the deceased sole Appellant.



4. Whereas, of those five petitions, petition to condone the delay in filing a petition to set aside the dismissal Judgment and to restore the Second Appeal was already ordered by this Court on September 18, 2025. This present Civil Miscellaneous Petition is a consequent petition. Hence, with a view to adhere the principles of natural justice and to decide the Second Appeal on merits, this Court is inclined to allow this Civil Miscellaneous Petition.

5. Accordingly, this Civil Miscellaneous Petition is allowed. The dismissal Judgment dated June 9, 2014 is set aside and the Second Appeal is restored to the file of this Court.

11.03.2026

1/2

MSM

Note: Registry is directed to restore the Second Appeal and number the CMP.Sr.Nos. 92247, 92249 & 1066 of 2017 if they are otherwise in order and list the same for hearing on **April 17, 2026.**



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R.SAKTHIVEL, J

MSM

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