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CMP(MD) NOs. 5021 and 5022 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23-03-2026**

CORAM

THE HONOURABLE MR JUSTICE V. LAKSHMINARAYANAN

CMP(MD) NOs. 5021 and 5022 of 2021

and

S.A(MD)No.101 of 2015

CMP(MD)No.5021 of 2021

- 1.Azhagammal
 - 2.Ramalingam
 - 3.Mohan
 - 4.Murugan
 - 5.Manoharan
 6. Padmanabhan
 - 7.Ganthimathi
 - 8.Aruna
 9. Minor Viswa Sundar
 - 10.Minor Vibishek Sundar
- 1/7



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Minor petitioners 9 & 10 Rep By Mother and Guardian Smt. Aruna
8th appellant herein.

Petitioner(s)

Vs

1. Veeramahali
2. Arumugam
3. Kalimuthu (died)
4. Ramalingam
5. Venugopal
6. Ramuthai
7. Ramasamy
8. Vilangar
9. Ramar
10. Boomi
11. Valli

Respondent(s)

For Petitioner(s):

M/s.S.Srinivasa Raghavan
K.R.Shiva Shankarai

For Respondent(s): Mr.S.Sivathilakar, for R1 and R2
R3(died)

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No appearance for R5, R6 and R11

Prayer: This Petition is filed under Order 22 Rule 9(2) of Code of Civil Procedure to set aside the abatement caused by the death of the deceased 3rd respondent in SA(MD).No.101 of 2015 on the file of this Court.

CMP(MD) NO. 5022 of 2021

- 1.Azhagammal
- 2.Ramalingam
- 3.Mohan
- 4.Murugan
- 5.Manoharan
6. Padmanabhan
- 7.Ganthimathi
- 8.Aruna
9. Minor Viswa Sundar
- 10.Minor Vibishek Sundar

Minor Petitioners 9 & 10 rep. by Mother and Guardian Smt. Aruna
8th appellant herein.

Petitioner(s)

Vs

1. Veeramahali



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2. Arumugam

3. Kalimuthu (died)

4. Ramalingam

5. Venugopal

6. Ramuthai

7. Ramasamy

8. Vilangar

9. Ramar

10. Boomi

11. Valli

Respondent(s)

For Petitioner(s):

M/s.S.Srinivasa Raghavan
K.R.Shiva Shankarai

For Respondent(s):Mr.S.Sivathilakar, for R1 and R2

R3(died)

No appearance for R5, R6 and R11

Prayer:Civil Miscellaneous Petition filed under Order 22 Rule 4 of Code of Civil Procedure to bring the respondents 9 to 11 herein as the legal representatives of the deceased 3rd respondent and record them as respondents 9 to 11 in SA(MD).No.101 of 2015 on the file of this Hon'ble Court.



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ORDER

C.M.P(MD)No.5021 of 2021 is filed under Order 22 Rule 9(2) of Code of Civil Procedure praying this Court to set aside the abatement caused due to the death of the third respondent in the above Second Appeal.

2.C.M.P(MD)NO.5022 of 2021 is filed under Order 22 Rule 4 of Code of Civil Procedure to bring the respondents 9 to 11 herein as the legal representatives of the deceased 3rd respondent and record them as respondents 9 to 11 in SA(MD).No.101 of 2015 on the file of this Hon'ble Court.

3.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4.It is represented that the third respondent, Kalimuthu had passed away pending the Second Appeal. He had left behind his legal heirs, respondents 9 to 11. Though the 11th respondent, Valli has been served, she has not entered



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appearance. Valli, the 11th respondent sufficiently represents the estate of the deceased third respondent. Hence C.M.P(MD)No.5021 of 2021 is allowed insofar as the 11th respondent, Valli alone is concerned.

5. Considering the reasons assigned in the affidavit filed in support of C.M.,P(MD)No.5022 of 2021 and on being satisfied with the same, this Petition for bring on record is allowed.

6. Registry is directed to carry out necessary amendment in the cause-title of the Second Appeal. Both the counsel represent that they will be ready with the Second Appeal by **08.04.2026**.

7. Post the matter on **08.04.2026**.

23-03-2026

vsn



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V.LAKSHMINARAYANAN,J.

vsn

ORDER MADE IN

C.M.P(MD)Nos.5021 and 5022 of 2021
in
S.A(MD)No.101 of 2015

23.03.2026