



IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, THENI

Present : Thiru.Swarnam J. Natarajan, M.L.,

Principal District Judge, Theni

Friday, this the 20th day of February - 2026

I.A.Nos.03/2026, 04/2026 and 05/2026

in C.M.A.(CS).No.11/2021

I.A.No.03/2026 - in C.M.A.(CS).No.11/2021

P. Illayasamy (deceased)	...	3 rd Appellant
1. T. Uma W/o. Late. Illayasamy	...	Petitioner / Proposed 7 th Appellant
2. Balashree D/o. Late. Illayasamy (represented through her mother / 1 st petitioner)	...	Petitioner / Proposed 8 th Appellant
3. Aswin Bala S/o. Late. Illayasamy (represented through his mother / 1 st petitioner)	...	Petitioner / Proposed 9 th Appellant
4. Rajammal M/o. Late. Illayasamy	...	Petitioner / Proposed 10 th Appellant

-Versus-

1. The Deputy Registrar of
Co-operative Societies,
Periyakulam Circle, Periyakulam, Theni District



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I.A.Nos.03/2026, 04/2026 and 05/2026
in CMA(CS).No.11/2021

2. The President,

M.P.93, Mayiladumparai Primary Agricultural
Co-operative Credit Society, Mayiladumparai,
Aundipatti Taluk, Theni District.

... Respondents / Respondents

I.A.No.04/2026 - in C.M.A.(CS).No.11/2021

P. Illayasamy (deceased)

... 3rd Appellant

1. T. Uma W/o. Late. Illayasamy

... Petitioner / Proposed 7th
Appellant

2. Balashree D/o. Late. Illayasamy

(represented through her mother / 1st petitioner)

... Petitioner / Proposed 8th
Appellant

3. Aswin Bala S/o. Late. Illayasamy

(represented through his mother / 1st petitioner)

... Petitioner / Proposed 9th
Appellant

4. Rajammal M/o. Late. Illayasamy

... Petitioner / Proposed 10th
Appellant

-Versus-

1. The Deputy Registrar of

Co-operative Societies,

Periyakulam Circle, Periyakulam, Theni District

2. The President,

M.P.93, Mayiladumparai Primary Agricultural
Co-operative Credit Society, Mayiladumparai,
Aundipatti Taluk, Theni District.

... Respondents / Respondents



I.A.No.05/2026 - in C.M.A.(CS).No.11/2021

P. Illayasamy (deceased)	...	3 rd Appellant
1. T. Uma W/o. Late. Illayasamy	...	Petitioner / Proposed 7 th Appellant
2. Balashree D/o. Late. Illayasamy (represented through her mother / 1 st petitioner)	...	Petitioner / Proposed 8 th Appellant
3. Aswin Bala S/o. Late. Illayasamy (represented through his mother / 1 st petitioner)	...	Petitioner / Proposed 9 th Appellant
4. Rajammal M/o. Late. Illayasamy	...	Petitioner / Proposed 10 th Appellant

-Versus-

1. The Deputy Registrar of Co-operative Societies, Periyakulam Circle, Periyakulam, Theni District	
2. The President, M.P.93, Mayiladumparai Primary Agricultural Co-operative Credit Society, Mayiladumparai, Aundipatti Taluk, Theni District.	... Respondents / Respondents

I.A.Nos.03/2026, 04/2026 and 05/2026, the petitions were coming up on
20.02.2026, for today final hearing before me in the presence of
20.02.2026

Principal District Judge, Theni



Thiru. A. Selvam, Advocate for the Petitioners / Proposed Appellants 7 to 10 and
Thiru. R. Gunasekaran, Government Pleader for the 1st Respondent and
Thiru. G. Gandhi Chinnaiah, Advocate for the 2nd Respondent and perusing the
documents, the case having stood over for consideration till this day, this Court
delivers the following :

COMMON ORDER

I.A.No.03/2026 - in C.M.A.(CS).No.11/2021

This is the petition filed under Section 5 of Limitation Act and under Order 22
Rule 9 of CPC to condone the delay of 13 days in filing the set aside the abatement of
3rd Appellant.

I.A.No.04/2026 - in C.M.A.(CS).No.11/2021

This is the petition filed under Order 22 Rule 9 of CPC to set aside the
abatement of 3rd Appellant.

I.A.No.05/2026 - in C.M.A.(CS).No.11/2021

This is the petition filed under Order 22 Rule 3(1) of CPC to implead the
petitioners, who are the legal heirs of the deceased 3rd Appellant as 7th to 10th
Appellants in the main appeal.



2. The petitioners are the legal representatives of the deceased 3rd appellant, Thiru. P. Illayasamy, in the above Civil Miscellaneous Appeal. The 1st petitioner is the wife of the deceased, the 2nd and 3rd petitioners are his son and daughter and the 4th petitioner is his mother. The petitioners are well acquainted with the facts of the case. The deceased 3rd appellant had filed the present appeal challenging the surcharge award in Na.Ka. No.2323/2019/Sa.Pa. (Tha.Thee.01/2019–2020/Sa.Pa.) dated 20.01.2021 passed by the 1st respondent on behalf of the 2nd respondent, fixing joint and several liability for a sum of Rs.87,22,775/- with interest at 8% per annum. During the pendency of the appeal, the said appellant died on 18.08.2025 at Muthalamparai, leaving the petitioners as his only legal heirs. Since the right to appeal survives, the petitioners seek to come on record as legal representatives of the deceased. The Death Certificate and Legal Heir Certificate are filed in support of the same. As the legal representatives were not brought on record within 90 days from the date of death, the appeal stood abated on 15.11.2025 as against the deceased appellant. The memo reporting the death was filed on 09.01.2026. The petition to set aside the abatement was filed on 29.01.2026 with a delay of 13 days beyond the prescribed time. The delay occurred due to the time taken to obtain the Legal Heir Certificate and due to lack of knowledge about the limitation period. The delay is not wilful, but due to unavoidable circumstances. Therefore, the petitioners have filed



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petitions to condone the delay, to set aside the abatement and to implead themselves as the legal representatives of the deceased appellant. Hence, these present applications are filed.

3. Heard the learned counsel for the petitioners. Considering the reasons stated in the petitions, this court is satisfied that sufficient cause has been shown for the delay and for setting aside the abatement. Accordingly, the delay of 13 days is condoned and the abatement is set aside. The petitioners are permitted to be impleaded as the legal representatives of the deceased 3rd appellant. Necessary amendments shall be carried out.

In the result, these petitions are allowed. No cost.

Dictated to the Steno-Typist, taken by her in shorthand, transcribed and typed by her with the help of voice recorder, and Microsoft 365, corrected and pronounced by me, in the open court, this the 20th day of February - 2026.

**Principal District Judge,
Theni.**



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The Principal District Court,
Theni.

I.A.No.03/2026, 04/2026 and
05/2026

- In -

C.M.A.(CS).No.11/2021

Fair / Draft **COMMON ORDER**

Date : 20.02.2026

20.02.2026

Principal District Judge, Theni