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CMP NOS.23606, 23607 AND 23608 OF 2024  
IN S.A.NO.1085 OF 2012

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 08.04.2026**

**CORAM**

**THE HONOURABLE MR. JUSTICE R.SAKTHIVEL**

**CMP NOS.23606, 23607 AND 23608 OF 2024**

**IN**

**S.A.NO.1085 OF 2012**

Kanagasabai (Deceased)  
Kaliyamoorthy (Deceased)  
Damodaran (Deceased)

... Appellants 1 to 3  
in all CMPs'

**Legal Heirs of Kanagasabai**

1.Mrs.Indhumathi  
D/o. Kanagasabai

2.Rajendran  
S/o. Kanagasabai

3.Kamadhenu  
D/o. Kanagasabai

4.Ravichandran  
S/o. Kanagasabai  
All 1 to 4 are residing at  
D.No.805, Muthandi Kuppam,  
Perperiyankuppam Post,  
Panruti Taluk, Cuddalore District.  
Pincode – 607 805.

... Petitioners 1- 4 /  
Proposed Appellants 4-7  
in all CMPs'



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### **Legal Heirs of Kaliyamoorthy**

5.Shanthi

D/o. Kaliyamoorthy

6.Raj Mohan

S/o. Kaliyamoorthy

7.Karthik

Grandson of Kaliyamoorthy

S/o. Late Rajasekaran

8.Durairaj

Grandson of Kaliyamoorthy

S/o. Late Rajasekaran

9.Jawahar

Son of Kaliyamoorthy

10.Banu

D/o. Kaliyamoorthy

11.Mallika

D/o. Kaliyamoorthy

All 5 to 11 are residing at  
856, Muthandikuppam Village,  
Perperiyar Kuppan Post, Panruti Taluk,  
Cuddalore District – 607 805.

... Petitioners 5 -11 /  
Proposed Appellants 8-14  
in all CMPs'

### **Legal Heirs of Late Damodaran**

12.Gunasundhari

W/o. Damodharan

13.Rajeshwari

D/o. Damodharan



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14.Gandhimathi  
D/o. Damodharan

15.Balamurugan  
S/o. Damodharan

All 12 to 15 are residing at  
857, Muthandikuppam Village,  
Perperiyar Kuppam Post, Panruti Taluk,  
Cuddalore District – 607 805.

... Petitioners 12 -15 /  
Proposed Appellants 15-18  
in all CMPs'

*Versus*

Arunaiyampathi (Deceased)

... Respondent  
in all CMPs'

**Legal Heirs of Late Arunaiyampathi**

1.Manimekalai  
D/o. Arunaiyampathi

2.Arulprakasam  
S/o. Arunaiyampathi

3.Sachidanandam  
S/o. Arunaiyampathi

4.Mangala Sundari  
D/o. Arunaiyampathi

5.Harikrishnan  
S/o. Arunaiyampathi

6.Dhanasekaran  
S/o. Arunaiyampathi



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7.Gnana Saraswathi  
D/o. Arunaiyampathi

All are residing at  
Muthandikuppam Village,  
Perperiyankuppam Post,  
Panruti Taluk,  
Cuddalore District - 607 805.

... Respondents 1-7 /  
Proposed Respondents 2-8  
in all CMPs'

**PRAYER IN CMP NO.23606 / 2024:** Civil Miscellaneous Petition filed under Section 5 of Limitation Act, 1963, praying to condone the delay of 581 days in seeking to set aside the abatement caused due to the death of the second appellant in the above Second Appeal.

**PRAYER IN CMP NO.23607 / 2024:** Civil Miscellaneous Petition filed under Order XXII Rule 9 of the Code of Civil Procedure, 1908, praying to set aside the abatement caused due to the death of the second appellant in the above Second Appeal.

**PRAYER IN CMP NO.23608 / 2024:** Civil Miscellaneous Petition filed under Section Order XXII Rule 4 of the Code of Civil Procedure, 1908, praying to bring on record the petitioners namely, (1) Shanthi, (2) Raj Mohan, (3) Karthik, (4) Durairaj, (5) Jawahar, (6) Banu, (7) Mallika, who are the legal representatives of the deceased second appellant and rank them as appellants in the above S.A.No.1085 of 2012.



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For Petitioners : Mr.A.Jenasenan  
in all CMPs'

### **COMMON ORDER**

The Civil Miscellaneous Petition in CMP No.23606 of 2024 has been filed under Section 5 of Limitation Act, 1963, praying to condone the delay of 581 days in seeking to set aside the abatement caused due to the death of the second appellant in the above Second Appeal.

2.The Civil Miscellaneous Petition in CMP No.23607 of 2024 has been filed under Order XXII Rule 9 of the Code of Civil Procedure, 1908, praying to set aside the abatement caused due to the death of the second appellant in the above Second Appeal.

3.The Civil Miscellaneous Petition in CMP No.23608 of 2024 has been filed under Order XXII Rule 4 of the Code of Civil Procedure, 1908, praying to bring on record the petitioners namely, (1) Shanthi, (2) Raj Mohan, (3) Karthik, (4) Durairaj, (5) Jawahar, (6) Banu, (7) Mallika, who are the legal representatives of the deceased second appellant and rank them as appellants in the above S.A.No.1085 of 2012.



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4.This Court has perused the case file.

5.Having satisfied with the reasons stated in the accompanying affidavits,

(i) the petition in CMP No.23606 of 2024 is allowed and the delay of 581 days in seeking to set aside the abatement caused due to the death of the second appellant in the above Second Appeal is condoned;

(ii) the petition in CMP No.23607 of 2024 is allowed and the abatement caused due to the death of the deceased second appellant is set aside; and

(iii) the petition in CMP No.23608 of 2024 is allowed and the legal representatives of the deceased second appellant as stated in the accompanying affidavit in CMP No.23608 of 2024 are brought on record.



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6.Registry is directed to carry out necessary amendment in the cause title in the Memorandum of Grounds of Appeal and list the Second Appeal on 29.04.2026.

**08.04.2026**

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R. SAKTHIVEL, J.

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S.A.NO.1085 OF 2012

08.04.2026

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