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C.M.P.Nos.11017, 11018 & 11019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2026

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

C.M.P.Nos.11017, 11018 & 11019 of 2018

in

A.S.No.568 of 2011

1.St.Joseph's Charity Trust
rep. by its Secretary J.Nagakesari
No.6, Abirami Street,
Teachers Guild Colony,
Villivakkam, Chennai 600 049.

2.St.Joseph's Matriculation School,
rep. by its Secretary J.Nagakesari,
No.8, 1st Street, Teachers Guild Colony,
Villivakkam, Chennai 600 049.

... Petitioners / Appellants
in all CMPs

Vs.

1.D.Kirubanayagam
2.D.S.James Nayagam
3.D.Inbanayagam
4.D.Selvanayagam (deceased)
5.D.Jeevanayagam
6.A.Santhoshrani
7.B.Bala Baskar
8.D.Hemachona

... Respondents in all CMPs



9.S.Geetha Anbumalar

10.S.Sharon Pushpam (Minor)

11.S.Edward Sakayaraj (Minor)

(10 & 11 minors rep. By their mother
and natural guardian S.Geetha Anbumalar)

... Respondents in all CMPs

PRAYER in C.M.P.No.11017/2018: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, to condone the delay of 210 days in filing the petition to set aside the abatement caused due to the death of the 4th respondent in the above First Appeal in A.S.No.568 of 2011.

PRAYER in C.M.P.No.11018/2018: Civil Miscellaneous Petition filed under Order 22 Rule 9(3) of the Code of Civil Procedure, to set aside the abatement caused due to the death of the 4th respondent in the above First Appeal in A.S.No.568 of 2011.

PRAYER in C.M.P.No.11019/2018: Civil Miscellaneous Petition filed under Order 22 Rule 4 of the Code of Civil Procedure, to bring on record of the respondents 9 to 11 herein as legal representatives of the deceased 4th respondent and rank them as respondents 9 to 11 in the above A.S.No.568 of 2011.

For petitioners in all CMPs : Mr.S.Kanniah
For R2 in all CMPs : Mr.R.Gopinath

COMMON ORDER

(Order of the Court was made by C.V.KARTHIKEYAN,J.)

These three applications have been filed to bring on record the legal representatives of the deceased 4th respondent and to condone the delay of 210 days in filing petition to set aside abatement and to set aside the abatement.

2. In the affidavit filed, it had been stated that the 4th respondent had died on 23.04.2017 and that the petitioners came to know of that fact only on



24.01.2018 and they had immediately taken steps to file these three petitions.

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3. Heard the learned counsel for the petitioners and the second respondent also.

4. In view of the fact that the legal representatives are required to be heard, these three petitions stand allowed. Registry to carry out necessary amendment in the cause title in A.S.No.568 of 2011 reflecting the death of the 4th respondent and bringing on record the legal representatives as respondents 9, 10 and 11.

(C.V.K., J.) (K.R.S., J.)
07.04.2026
(1/7)

ssi
Index: Yes/No
Internet: Yes/No
Neutral Citation Case: Yes/No

C.V.KARTHIKEYAN, J.
AND
K. RAJASEKAR, J.

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