



CMP NOS. 7374, 7375 & 7379 OF 2026
IN S.A.NO.1008 OF 2003

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2026

CORAM

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

CMP NOS.7374, 7375 AND 7379 OF 2026

IN

S.A.NO.1008 OF 2003

1.Irusayee Ammal (Died)
W/o. Late Kesava Pillai

2.K.Mathiyalagan
S/o. Late Kesava Pillai
No.2/865, Periyar Illam,
Thirukovilur Main Road,
Devapandalam, Sankarapuram Taluk,
Villupuram District – 606 402.

... Petitioners 1&2 /
Appellants 1&2
(in all CMPs')

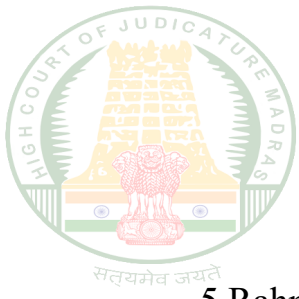
Versus

1.Basha Sahib (Died)
S/o. Late Anwar Shaib

2.Kathiravan
S/o. Manickam
Main Road, Devapandalam,
Sankarapuram Taluk, Villupuram District.

3.Murugesan (Died)
S/o. Subbaraya Pillai

4.Roshan Bee (Died)
W/o. Late Basha Sahib



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5.Rahmath Bee (Died)
W/o. Amir Khan

6.Mumtaj (Died)
W/o. John

7.Mallika Bee
W/o. Kaadhir

8.Shakila
W/o. Abdul Kapoor

9.Zeenath Bee
W/o. Basha

10.Kalim
S/o. Basha Sahib

11.Ozir Bee
D/o. Basha Sahib

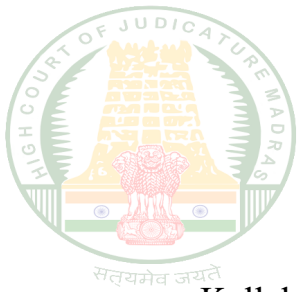
12.Sharmila
W/o. Kalaimani

All residing at :
Meenavar Street,
Devapandalam Village,
Kallakurichi Taluk.

13.Nillaie (Died)
W/o. Late Murugesan

14.Mala (Died)
W/o. Vaithiyapillai

15.Sumathi
W/o. Pandian



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Kallakurichi Main Road,
Ariyaperumanur,
Sankarapuram District – 606 208.

16.Sarala
W/o. Vaithiyanathan
19/1, Poikulam Post,
Sankarapuram District – 606 401.

... Respondents 1 – 16 /
Respondents 1 – 16
(in all CMPs')

LRs' of the deceased 5th respondent

17.A.Kadharkhan
S/o. Late Amirkhan

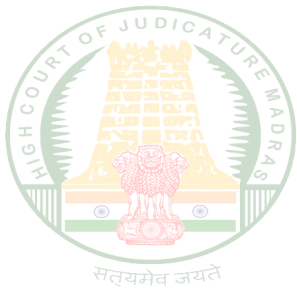
18.A.Sharfunnisa
D/o. Late Amirkhan
Respondents 17 & 18 are residing at
No.2/198, Pallivaaasal Street,
Vadaponparapi Village,
Sankarapuram Taluk,
Kallakurichi District.

... Respondents 17&18 /
Proposed Respondents 17&18
(Legal representatives of
deceased 5th respondent)
(in all CMPs')

LRs' of the deceased 6th respondent

19.J.Hanifa
S/o. Late John
No.2/741, Mani Road, Devapandalam Village,
Sankarapuram Taluk,
Kallakurichi District.

... 19th Respondent /
Proposed 19th Respondent
(Legal representatives of
deceased 6th respondent)
(in all CMPs')



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LRs' of the deceased 14th Respondent

20.Vaithiyapaillai
H/o. Late Mala

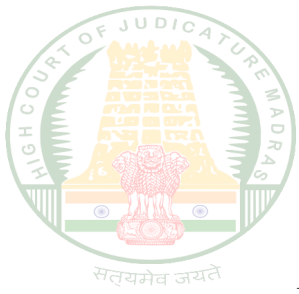
21.V.Anand
S/o. Vaithiyapaillai
Respondents 20 & 21 residing at
No.3/79, Thirukovilur Main Road,
Devapandalam Village,
Sankarapuram Taluk,
Kallakurichi District.

... Respondents 20 & 21/
Proposed Respondents 20&21
(Legal representatives of deceased
6th Respondent)
(in all CMPs')

PRAYER IN CMP NO.7374 / 2026: Civil Miscellaneous Petition filed under Section 5 of Limitation Act, 1963, praying to condone the delay of 959 days in setting aside the abatement caused due to the death of the fifth respondent, namely Rahmath Bee in the above Second Appeal.

PRAYER IN CMP NO.7375 / 2026: Civil Miscellaneous Petition filed under Order XXII Rule 9(2) of the Code of Civil Procedure, 1908, praying to set aside the abatement caused due to the death of the fifth respondent, namely Rahmath Bee in the above Second Appeal.

PRAYER IN CMP NO.7379 / 2026: Civil Miscellaneous Petition filed under Order XXII Rule 4 of the Code of Civil Procedure, 1908, praying to bring on record the respondents 17 and 18 / proposed respondents 17 and 18 herein as legal representatives of the deceased fifth respondent, namely Rahmath Bee and array them as respondents 17 and 18 in the above Second Appeal.



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For Petitioners : Mr.R.Satheesh Kumar
(in all CMPs') for M/s.Sarvabhauman Associates

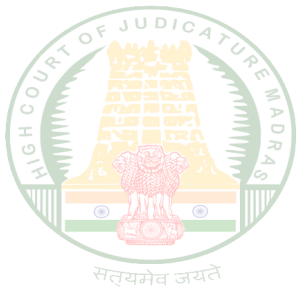
For Respondents 7 to 12 : Ms.Nilaphar
(in all CMPs') for Ms.R.Meenal

COMMON ORDER

The Civil Miscellaneous Petition in CMP No.7374 of 2026 has been filed under Section 5 of Limitation Act, 1963, praying to condone the delay of 959 days in setting aside the abatement caused due to the death of the fifth respondent, namely Rahmath Bee in the above Second Appeal.

2.The Civil Miscellaneous Petition in CMP No.7375 of 2026 has been filed under Order XXII Rule 9(2) of the Code of Civil Procedure, 1908, praying to set aside the abatement caused due to the death of the fifth respondent, namely Rahmath Bee in the above Second Appeal.

3.The Civil Miscellaneous Petition in CMP No.7379 of 2026 has been filed under Order XXII Rule 4 of the Code of Civil Procedure, 1908, praying to bring on record the respondents 17 and 18 / proposed respondents 17 and 18 herein as legal representatives of the deceased fifth respondent, namely Rahmath Bee and array them as respondents 17 and 18 in the above Second Appeal.



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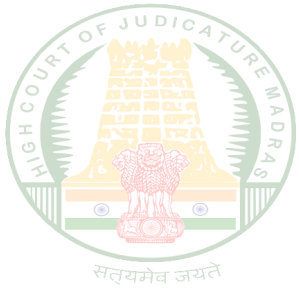
4.This Court has perused the case file.

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

(i) the petition in CMP No.7374 of 2026 is allowed and the delay of 959 days in seeking to set aside the abatement caused due to the death of the fifth respondent namely Rahmath Bee in the above Second Appeal is condoned;

(ii) the petition in CMP No.7375 of 2026 is allowed and the abatement caused due to the death of the deceased fifth respondent namely Rahmath Bee is set aside; and

(iii) the petition in CMP No.7379 of 2026 is allowed and the legal representatives of the deceased fifth respondent namely Rahmath Bee as stated in the accompanying affidavit in CMP No.7379 of 2026 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 08.06.2026.

30.04.2026

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R. SAKTHIVEL, J.

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