

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CMP Nos. 9674, 9681 & 9687 of 2023

In all CMP's:

Sakthivel Nadar
S/O.Arumuga Nadar,
11, Viakunda Perumal Sannathi Street,
Kancheepuram Town and Post,
Kancheepuram Dist.

..Petitioner/Appellant

Vs

- Gajapathy (Died)
S Inbanathan (Deceased)
1. Saravanan,
S/o Subramania Naicker,
Res. at Kilsirunai Village, Baluchetty Chatram Post,
Kancheepuram Tk and Dist.
 2. Radha
W/o Gajapathy,
Res. at Kilsirunai Village, Baluchetty Chatram Post,
Kancheepuram Tk and Dist.
 3. Gunabushanam
D/o Gajapathy,
Res. at Kilsirunai Village, Baluchetty Chatram Post,
Kancheepuram Tk and Dist.
 4. Suresh
S/o Gajapathy,
Res. at Kilsirunai Village, Baluchetty Chatram Post,
Kancheepuram Tk and Dist.
 5. G Savithri
W/o Gajapathy,
Res. at Kilsirunai Village, Baluchetty Chatram Post,
Kancheepuram Tk and Dist.



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6. Minor Sethu
S/o Late Gajapathy,
Res. at Kilsirunai Village, Baluchetty Chatram Post,
Kancheepuram Tk and Dist.

7. Minor Pasupathy
S/o Late Gajapathy,
Res. at Kilsirunai Village, Baluchetty Chatram Post,
Kancheepuram Tk and Dist.

... Respondents 1 to 7/
Respondents

8. I Gopalakrishnan
S/o S Inbanathan,
Res. at Kilsirunai Village, Baluchetty Chatram Post,
Kancheepuram Tk and Dist.

9. I Arul
S/o S Inbanathan,
Res. at Kilsirunai Village, Baluchetty Chatram Post,
Kancheepuram Tk and Dist.

10. I Rajesh
S/o S Inbanathan,
Res. at Kilsirunai Village, Baluchetty Chatram Post,
Kancheepuram Tk and Dist.

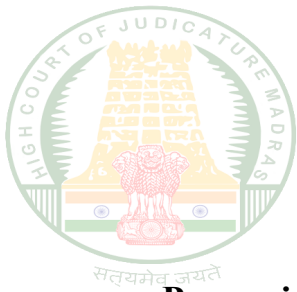
... Respondents 8 to 10 /
Proposed Respondents

Prayer in C.M.P.No.9674 of 2023 in S.A.No.46 of 2007:

This Civil Miscellaneous Petition has been filed under Section 5 of the Limitation Act, 1963 praying to condone the delay of 5374 days in filing the petition to set aside the abatement of S.A.No.46 of 2007.

Prayer in C.M.P.No.9681 of 2023 in S.A.No.46 of 2007:

This Civil Miscellaneous Petition has been filed under Order XXII Rule 9 read with Section 151 of Code of Civil Procedure, 1908 praying to set aside the abatement caused due to the death of the second Respondent.



Prayer in C.M.P.No.9687 of 2023 in S.A.No.46 of 2007:

This Civil Miscellaneous Petition has been filed under Order XXII Rule 4 of Code of Civil Procedure, 1908 praying to bring on record the Respondents 8 to 10, who are the legal representatives of the deceased Second respondent as Respondents 8 to 10 in the above Second Appeal.

For Petitioners in all C.M.Ps : Mr. M.Sriram

For Respondents 1 to 10 in all C.M.Ps: Mr. K.M.Balaji

COMMON ORDER

The Civil Miscellaneous Petition in C.M.P.No.9674 of 2023 has been filed under Section 5 of the Limitation Act, 1963 praying to condone the delay of 5374 days in filing the petition to set aside the abatement of S.A.No.46 of 2007.

2. The Civil Miscellaneous Petition in C.M.P.No.9681 of 2023 has been filed under Order XXII Rule 9 read with Section 151 of Code of Civil Procedure, 1908, praying to set aside the abatement caused due to the death of the second Respondent.

3. The Civil Miscellaneous Petition in C.M.P.No.9687 of 2023 has been filed under Order XXII Rule 4 of Code of Civil Procedure, 1908, praying to



bring on record the Respondents 8 to 10, who are the legal representatives of the deceased Second respondent as Respondents 8 to 10 in the above Second Appeal.

4. Heard Mr.M.Sriram, Counsel for the Petitioner and Mr.K.M.Balaji, Counsel on record for the Respondent.

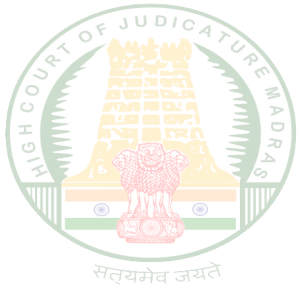
5. The Counsel on record for the Respondents has no objection for these Civil Miscellaneous Petitions being allowed.

6. This Court has perused the case files.

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

(i) the Petition in C.M.P.No.9674 of 2023 is allowed and the delay of 5374 days in setting aside the abatement in the above S.A.No.46 of 2007 is condoned.

(ii) the Petition in C.M.P.No.9681 of 2023 is allowed and the abatement caused due to the death of the second Respondent in S.A.No.46 of 2007 is set aside.



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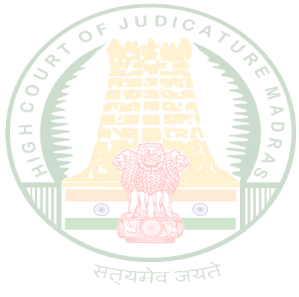
(iii) the Petition in C.M.P.No.9687 of 2023 is allowed and the respondent Nos.8 to 10, who are the legal representatives of the deceased second respondent are brought on record, in S.A.No.46 of 2007.

8. Registry is directed to carry out necessary amendment in the cause title in the Memorandum of Grounds of Appeal and list S.A.No.46 of 2007 on 08.07.2026.

05-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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R.SAKTHIVEL, J.

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