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CMP NOS.23561, 23566 AND 23570 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.23561, 23566 AND 23570 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

S/o. Kaliyamoorthy

10.Banu

D/o. Kaliyamoorthy

11.Mallika

D/o. Kaliyamoorthy

All 5 to 11 are residing at
856, Muthandikuppam Village,
Perperian 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

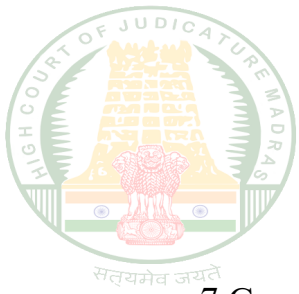
2.Arulprakasam
S/o. Arunaiyampathi

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.23561 / 2024: Civil Miscellaneous Petition filed under Section 5 of Limitation Act, 1963, praying to condone the delay of 703 days in seeking to set aside the abatement caused due to the death of the respondent in the above Second Appeal.

PRAYER IN CMP NO.23566 / 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 respondent in the above Second Appeal.

PRAYER IN CMP NO.23570 / 2024: Civil Miscellaneous Petition filed under Section Order XXII Rule 4 of the Code of Civil Procedure, 1908, praying to bring on record the proposed respondents namely (1) Manimekalai (daughter), (2) Arulprakasam (Son), (3) Sachidanandham (Son), (4) Mangala Sundari (Daughter), (5) Hari Krishnan (Son), (6) Dhanasekaran (Son) and (7) Gnana Saraswathi (Daughter) who are the legal representatives of the deceased respondent and rank them as respondents 2 to 8 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.23561 of 2024 has been filed under Section 5 of Limitation Act, 1963, praying to condone the delay of 703 days in seeking to set aside the abatement caused due to the death of the respondent in the above Second Appeal.

2.The Civil Miscellaneous Petition in CMP No.23566 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 respondent in the above Second Appeal.

3.The Civil Miscellaneous Petition in CMP No.23570 of 2024 has been filed under Order XXII Rule 4 of the Code of Civil Procedure, 1908, praying to bring on record the proposed respondents, namely (1) Manimekalai (daughter), (2) Arulprakasam (Son), (3) Sachidanandham (Son), (4) Mangala Sundari (Daughter), (5) Hari Krishnan (Son), (6) Dhanasekaran (Son) and (7) Gnana Saraswathi (Daughter) who are the



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legal representatives of the deceased respondent and rank them as respondents 2 to 8 in the above S.A.No.1085 of 2012.

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.23561 of 2024 is allowed and the delay of 703 days in seeking to set aside the abatement caused due to the death of the respondent in the above Second Appeal is condoned;

(ii) the petition in CMP No.23566 of 2024 is allowed and the abatement caused due to the death of the deceased respondent is set aside; and

(iii) the petition in CMP No.23570 of 2024 is allowed and the legal representatives of the deceased respondent as stated in the accompanying affidavit in CMP No.23570 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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