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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CMP.Nos.5004, 5006 &5017 of 2026

in

CMP.No.22168 of 2023

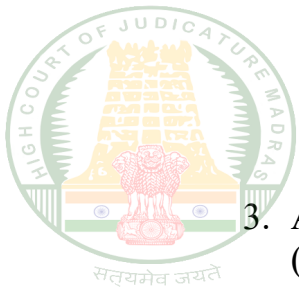
In

SA NO. 1610 OF 2004

1. Periyasamy
(Died) ... Deceased Appellant
2. Susila
W/o.Late P.Periyasamy,
Kodukkur Gudikadu Village,
Udaiyarpalayam,
Ariyalur.
3. Annadurai
S/o.Late P.Periyasamy,
Kodukkur Gudikadu Village,
Udaiyarpalayam,
Ariyalur.
4. Karunanidhi
S/o.Late P.Periyasamy,
Kodukkur Gudikadu Village,
Udaiyarpalayam,
Ariyalur. Petitioners /Petitioners/Proposed Appellants

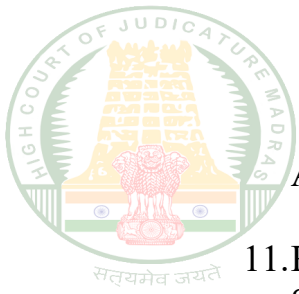
Vs

1. Kadirvel
(Died)
2. Balasubramaniyan
(Died)



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3. Asaithambi
(Died) deceased Respondents
4. Jothi
S/o.Elaverasan, Mettu St,
Kallathur Village,
Udaiyarpalayam Tk.
5. Umarani
W/o.Sekar,
Maruthathur Village,
Thittakkudi Tk.
6. Selvarani
D/o.Kadirvel,
Cholangudikadu Village,
Manappathur Group,
Ariyalur Tk.....Respondents 1 to 6/ Respondents 1 to 6
7. Jothi
W/o.Elavarasan
Cholangudikadu Village,
Manappathur Group,
Ariyalur Tk.
8. Umarani
W/o.Babu,
Cholangudikadu Village,
Manappathur Group,
Ariyalur Tk.
9. Selvarani
W/o.Senthilkumar,
Cholangudikadu Village,
Manappathur Group,
Ariyalur Tk.Respondents 7-9/Legal heirs of deceased 1st ‘
, respondent
- 10.Raghavan
S/o.Balasubramaniam,
Cholangudikadu Village,
Manappathur Group,



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Ariyalur Tk.

11. Ramesh

S/o. Balasubramaniam,
Cholangudikadu Village,
Manappathur Group,
Ariyalur Tk.

12. Elavarasan

S/o. Balasubramaniam,
Cholangudikadu Village,
Manappathur Group,
Ariyalur Tk.

.... Respondents 10-12/ Legal heirs of deceased 2nd
respondent

13. Vanaja

W/o. Asaithambi,
Cholangudikadu Village,
Manappathur Group,
Ariyalur Tk.

14. Anbudasan

S/o. Asaithambi,
Cholangudikadu Village,
Manappathur Group,
Ariyalur Tk.

15. Ashwin Kumar

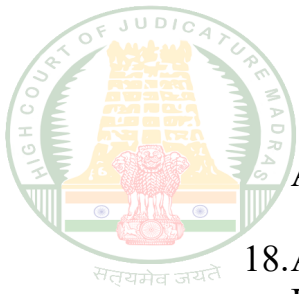
S/o. Asaithambi,
Cholangudikadu Village,
Manappathur Group,
Ariyalur Tk.

16. Abitha

D/o. Asaithambi,
Cholangudikadu Village,
Manappathur Group,
Ariyalur Tk.

17. Archana

D/o. Asaithambi,
Cholangudikadu Village,
Manappathur Group,



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Ariyalur Tk.

18.Asha

D/o.Asaithambi,
Cholangudikadu Village,
Manappathur Group,

Ariyalur Tk... .Respondents 13-18/Legal heirs of deceased 3rd ‘
respondent

Prayer in CMP No. 5004 of 2026:The Civil Miscellaneous Petition is filed under Section 5 of Limitation Act 1963, praying to condone the delay of 1173 days in filing the present petition to bring the proposed respondents 13-18 as legal heirs of the deceased respondents Aasaithambi in the above said CMP.No.22168 of 2023.

Prayer in CMP No. 5006 of 2026: The Civil Miscellaneous Petition is 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 3rd Respondent namely Aasai Thambi

Prayer in CMP No. 5017 of 2026: The Civil Miscellaneous Petition is filed under Order XXII Rule 4 of the Code of Civil Procedure, 1908 praying to bring the Respondents 13-18 herein on record as Respondents 13-18 in CMP.NO.22168 of 2023 as Lrs of the deceased 3rd Respondent namely Aasaithambi.

For Appellant(s): Mr. J.Deliban

COMMON ORDER

Mr. J. Deliban, learned counsel on record for the Petitioners, is before this Court.

2.The learned counsel for the petitioners submitted that the daily



orders dated 16.03.2026 and 30.04.2026 had not been uploaded on the e-Courts website.

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3. This Court verified the records with e-Courts website in the Open Court. Upon such verification, it was found that the daily order dated 10.03.2026 had been duly uploaded on 23.03.2026 at 5:23:45 p.m., and the daily order dated 30.04.2026 had been duly uploaded on 05.05.2026 at 1:25:01 p.m.

4. Pursuant to the aforesaid order, the Registry submitted a report stating that the petitioners' counsel had not filed batta along with the Petitions and affidavit in respect of Respondents Nos. 13 to 18.

5. In view of the above, this Court finds no other option but to dismiss CMP Nos. 5004, 5006 and 5017 of 2026 for defendant. Accordingly, these Civil Miscellaneous Petitions are dismissed for default.

04.06.2026

jrs



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R.SAKTHIVEL,J.

Jrs

CMP.Nos.5004, 5006 &5017 of 2026

in

CMP.No.22168 of 2023

In

SA NO. 1610 OF 2004

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