



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Twenty Fourth day of November Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice R. KALAIMATHI

CMP(MD). No.14365,14366,14368 and 14370 of 2023
in
SA(MD).No.625 of 2005

Muthuraman (Died)
2.Kannathal
3.Karunanithi
4.Anna Rani
5.Alagu Soundari
6.Stalin
7.Ramanathan @ Annadurai

... Petitioner 2-7/Proposed Appellant 2-7
in CMP(MD)14365 ,66,68 & 14370 of 2023

Vs

Alagu Velar (Died)

1. Manika Velar (Died)
Rep.by LR.

2. Velu Valar

... Respondent-2/ Respondent-2

3. Anna Kutti Velar(Died)
Rep.by LR.

4 Leelavathi,
W/o. Vellaisamy

5 Radhakrishnan,
S/o. Chidambara Velar

6 Ponnammal
W/o. Late Alagu Velar



7 Bagawat Alias Alagu,
S/o. Late Alagu Velar

8 Sugantham,
S/o. Late Alagu Velar

... Respondent3-8/ Respondent3-8

9 Manimeghalai,
D/o. Manickavelar

10 Meenal,
D/o. Manickavelar

11 Tamil Arasi,
D/o. Manickavelar

12 Palaniappan,
S/o. Manickavelar

13 Pandi,
S/o. Anikutty Velar

14 Palaniammal,
D/o. Anikutty Velar

15 Subramanian,
S/o. Anikutty Velar

16 Indrani,
D/o. Anikutty Velar

17 Amutha,
C/o. Pandi

...Respondents 13-17/Proposed Respondents 13-17
in CMP(MD)14365 ,66,68 & 14370 of 2023

Common Prayer in CMP(MD)No.14365 ,14366 of 2023 :-

Civil Miscellaneous Petition filed Under Section 5 of Limitation Act to Condone the delay of 93 days in seeking to set aside the abatement caused by the death of the deceased sole appellant and to set aside the abatement caused by the death of the deceased sole appellant in SA(MD).No.625 of 2005 on the file of this Court.



Prayer in CMP(MD). 14368/ 2023 :

To Bring the petitioners 2 to 7 herein as the legal representatives of the deceased sole appellant and record them as proposed appellants 2 to 7 in the above Second Appeal (MD). No.625 of 2005 on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD). 14370/ 2023 :

To set aside the order dated 23.08.2023 dismissing the Second Appeal in SA (MD). 625 of 2005 as abated and re admit the Second Appeal for disposal on merit and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in SA(MD)No.625/2005 :

The Second Appeal is filed under Section 100 of the Civil Procedure Code, against the judgment and decree dated 20.06.2001 made in A.S.No.18 of 2002 on the file of the Subordinate Judge, Sivagangai against the Judgment and decree dated 20.06.2001 in O.S.No.67/97 on the file of the District Munsif Court, Thirupathur.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s. S.Srinivasa Raghavan, Advocate for the Petitioner in all CMPs and of M/s. R.Devaraj For R1,R2,R4 to R8, Advocate for the respondents, in all CMPs this Court made the following order:

Heard Mr.S.Srinivasa Raghavan, learned counsel appearing for the petitioners and Mr.R.Devaraj, learned counsel appearing for the respondents 1,2, 4 to 8.

2.The learned counsel appearing for the respondents has no objection.

3.Accepting the averments made in the affidavit filed in support of these

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petitions, these petitions are allowed.



4.Registry is directed to effect amendment accordingly.

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Sd/-

Assistant Registrar(CS III)

/01/2024

Sub Assistant Registrar
(CS-I/ II / III /IV)

TO

- 1.The District Munsif,
Thirupathur.
- 2.The Subordinate Judge,
Sivagangai.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

ORDER DATED : 24/11/2023

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ORDER

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CMP(MD). No.14365,14366,14368 and
14370 of 2023

in

SA(MD).No.625 of 2005

Giving direction and etc.
as stated within.



SSA/12.01.2024 5P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023