



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Twentieth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD). No.11881 of 2022

in

SA(MD).No.674 of 2005

and

CMP(MD).No.12044 of 2022

in

SA(MD).No.675 of 2005

Senthil (Died) .. - /Sole Appellant

(Memo dated 14.12.2022 filed on 15.12.2022 in USR No.36023 is recorded as sole appellant and respondents 1 to 5 in Second Appeal died vide court order dated 27.02.2023 made in CMP(MD). No.11881 of 2022 ,12044 of 2022 in SA(MD).No.674 & 675 of 2005)

1. Vijayalakshmi
2. Minor. Gokul
3. Minor.Kavyasri

[Minors 2 & 3 rep.by their Natural Gurardian and Mother 1st Petititoner]

.. Petitioners 1 to 3 are the

Legal Heirs of Deceased
sole Appellant Senthil/Proposed
Appellants 2 to 4

VS.

Rasu Muthiriar (died)
Ponnar (died)
Neela (died)
Thangammal (died)
Marudhamuthu (died)

---/Respondents 1 to 5
(In both cases)



.. Vs ..

1 Muruganantham .. 1st Respondent/6th Respondent

2 Shanthi .. 2nd Respondent/7th Respondent

3 Rajathi

4 Sasikalavathi .. Respondents 3 & 4 are
LRS of deceased 1st Respondent in SA/
Proposed Respondents 8 & 9

Senthil @ Senthilkumar (died)

5 Rajeswari

Karthick (died)

6 Sudha

7 Suriya

8 Sundari ... (Respondents 5 to 8 are Lrs of Deceased 2nd
Respondent in S.A.. Proposed Respondents 10 to 13)

Ponnambalam (died)

9 Manikandan (Died)

(Memo dated 23.01.2023 in USR.No.2650 & 2651 are recorded as R9 died and R10 to R14 who are already on record are recorded as LRS of the deceased R9 vide Court order dated 27.02.2023 made in CMP(MD).Nos.11881 of 2022 & ,12044 of 2022 in SA(MD).No.674 & 675 of 2005)

10 Jeyalakshmi

11 Indirani

12 Viji @vijayalakshmi

13 Manivel



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.. Respondents 9 to 14 are LRS
of deceased 3rd Respondent in SA
/ Proposed Respondents 14 to 19

Mani (died)

15 Rajalingam

16 Shanthi

17 Balu @ @balasubramanian

18 Vasu @vasudevan

19 Devi

(Respondents 15 to 19 are Lrs of Deceased 4th Respondent in SA/Proposed Respondents 20 to 24)

20 Chandra

21 Minor Shanmugapandian

22 Minor Parthiban

(Minor 21 and 22 respondents
are represented by their
mother and natural guardian
Chandra - 20th respondent)

... Respondents 20 to 22 are LRS
of deceased 5th Respondent in SA/
Proposed Respondents 25 to 27
(in both cases)

Prayer :-

Civil Miscellaneous Petition filed under Order 41 Rule 19 of C.P.C to pass an order to restore the above SA(MD).No. 674 and 675 of 2005 by setting aside the common judgment of dismissing the second appeal dated 02-11-2022.



Prayer in SA(MD).674/2005:Second Appeal is filed under Section 100 of Code of Civil Procedure, to set aside the common judgment and decree dated 30.10.2003 made in A.S.No.11 of 2003 on the file of the Subordinate Judge, Kulithalai, reversing the judgment and decree dated 28.03.2003 made in O.S.No.298 of 1986 on the file of the District Munsif, Kulithalai.

Prayer in SA(MD).675/2005:Second Appeal is filed under Section 100 of Code of Civil Procedure, to set aside the common judgment and decree dated 30.10.2003 made in Cross Appeal.No.11 of 2003 on the file of the Subordinate Judge, Kulithalai, reversing the judgment and decree dated 28.03.2003 made in O.S.No.298 of 1986 on the file of the District Munsif, Kulithalai.

ORDER:- These Civil Miscellaneous Petitions are 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 Mr.A.Saravanan, Advocate for the Petitioner, this Court made the following order:

“These petitions are ordered as prayed for and the Second Appeals are restored”

Sd/-

Assistant Registrar(CS II)

// True Copy //

/08/2023

Sub Assistant Registrar(CS)



To

1. The Subordinate Judge, Kulithalai

2. The District Munsif, Kulithalai

3. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai
(for amending the LRS of the deceased
as per order dated 20.07.2023 and
post the Second Appeal on 31.08.2023)

BEFORE THE MADURAI BENCH OF
MADRAS HIGH COURT
Hon`ble Mr.Justice
KRISHNAN RAMASAMY

ORDER DATED : 20/07/2023

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RESTORE ORDER

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CMP(MD). No.11881 of 2022

in

SA(MD).No.674 of 2005

and

CMP(MD).No.12044 of 2022

in

SA(MD).No.675 of 2005

SI(17.08.2023) 5P/ 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.