



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Ninth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CMP (MD) Nos.1320 to 1340 of 2016
IN
CRP (MD) Nos.1627 to 1633 of 2012

VINATHA

... PETITIONER /PETITIONER
IN ALL THE PETITIONS

Vs

GAYATHIRI (MINOR)
REP BY HER MOTHER & NEXT
FRIEND SIVAKAMI,

... 1st RESPONENT/1st RESPONENT
IN CMP (MD)1320 to 1322/16

KEERTHANA (MINOR)
REP BY HER FATHER & NEXT
FRIEND SURESH,

... 1st RESPONENT/1st RESPONENT
IN CMP (MD) Nos.1323 to 1325/16

PANDEESWARI

... 1st RESPONENT/1st RESPONENT
IN CMP (MD) NOS.1326 TO 1328/16

SIVAKAMI

... 1st RESPONENT/1st RESPONENT
IN CMP (MD) Nos.1329 TO 1331/16

GOWSHIK (MINOR)
REP BY HER MOTHER AND NEXT
FRIEND SIVAKAMI

... 1st RESPONENT/1st RESPONENT
IN CMP (MD) Nos.1332 TO 1334 & 1638 TO 1640/16

DURKA (MINOR)
REP BY HER FATHER AND
NEXT FRIEND KUPPURAJ

... 1st RESPONENT/1st RESPONENT
IN CMP (MD) Nos.1335 TO 1337/16

2 SRI GANGA MOTORS,
23/W 11, SURULIPATTI ROAD,
KAMAYAGOUNDANPATTI VILLAGE,
REP THROUGH ITS PARTNER M.DURAIRAJ.

.. 2nd RESPONDENTS/ 2nd RESPONDENTS
IN ALL THE PETITIONS

3 DURAIRAJ (DIED ON 27.01.2013)

... 3rd RESPONENT IN CRP



... 4th & 5th RESPONDENTS / 4th & 5th RESPONDENTS
IN ALL THE PETITIONS

6 R.VELLATHAI,
7 D.SENTHILKUMAR
8 M.MALA, TEACHER

...6 to 8 RESPONDENTS/ PROPOSED 6 to 8 RESPONDENTS
LRs OF DECEASED 3rd RESPONDENT (M.DURAIRAJ)
IN ALL THE PETITIONS

WEB COPY

Prayer in CMP(MD). 1320/ 2016 :

To condone the delay of 947 days in filing the petition to set-aside the abatement cause due to the death of the 3rd respondent (late.Durairaj) and thus render justice.

Prayer in CMP(MD). 1321/ 2016 :

To set aside the abatement caused due to the death of the 3rd respondent (late Durairaj) in the CRP in CRP(MD)No.1627 of 2012 on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD). 1322/ 2016 :

To permit the petitioner to bring on record the 6 to 8 respondents herein as legal representatives of the deceased 3rd respondent (late Durairaj) and rank them as 6 to 8 respondents in CRP(MD)No.1627 of 2012 on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD). 1323/ 2016 :

To condone the delay of 947 days in filing the petition to set-aside the abatement cause due to the death of the 3rd respondent (late.Durairaj) and thus render justice.

Prayer in CMP(MD). 1324/ 2016 :

To set aside the abatement caused due to the death of the 3rd respondent (late.Durairaj) in the CRP in CRP(MD)No.1628 of 2012 on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD). 1325/ 2016 :

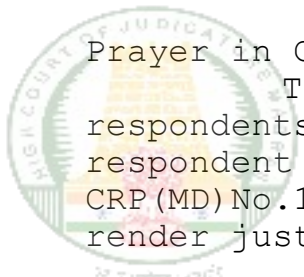
To permit the petitioner to bring on record the 6 to 8 respondents herein as legal representatives of the deceased 3rd respondent (late.Durairaj) and rank them as 6 to 8 respondents in CRP(MD)NO.1628 of 2012 on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD). 1326/ 2016 :

To condone the delay of 947 days in filing the petition to set-aside the abatement cause due to the death of the 3rd respondent (late.Durairaj) and thus render justice.

Prayer in CMP(MD). 1327/ 2016 :

To set aside the abatement caused due to the death of the 3rd respondent (late.Durairaj) in the CRP in CRP(MD)No.1629 of 2012 on the file of this Honourable Court and thus render justice.



Prayer in CMP(MD). 1328/ 2016 :

To permit the petitioner to bring on record the 6 to 8 respondents herein as legal representatives of the deceased 3rd respondent (late.Durairaj) and rank them as 6 to 8 respondents in CRP(MD)No.1629 of 2012 on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD). 1329/ 2016 :

To condone the delay of 947 days in filing the petition to set aside the abatement cause due to the death of the 3rd respondent (late. Durairaj) and thus render justice.

Prayer in CMP(MD). 1330/ 2016 :

To set aside the abatement caused due to the death of the 3rd respondent (late Durairaj) in the Civil Revision Petition in CRP (MD) NO. 1630 of 2012 on the file of this Hon'ble Court and thus render justice.

Prayer in CMP(MD). 1331/ 2016 :

To bring on record the 6 to 8 respondents herein as legal representatives of the deceased 3rd respondent (late Durairaj) and rank them as 6 to 8 respondent s in CRP(MD) NO. 1630 of 2012 on the file of this Hon'ble Court and thus render justice.

Prayer in CMP(MD). 1332/ 2016 :

To condone the delay of 947 days in filing the petition to set aside the abatement cause due to the death of the 3rd respondent (late.Durairaj) and thus render justice.

Prayer in CMP(MD). 1333/ 2016 :

To set aside the abatement caused due to the death of the 3rd respondent (late Durairaj) in the Civil Revision Petition in CRP (MD) NO. 1631 of 2012 on the file of this Hon'ble Court and thus render justice.

Prayer in CMP(MD). 1334/ 2016 :

To permit the petitioner to bring on record the 6 to 8 respondents herein as legal representatives of the deceased 3rd respondent (late Durairaj) and rank them as 6 to 8 respondents in CRP(MD) NO.1631 of 2012 on the file of this Hon'ble Court and thus render justice.

Prayer in CMP(MD). 1335/ 2016 :

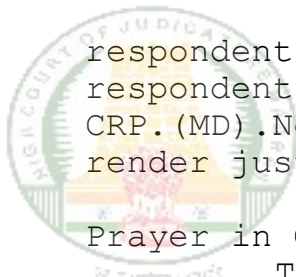
To condone the delay of 947 days in filing the petition to set-aside the abatement cause due to the death of the 3rd respondent (Late Durairaj) in CRP.(MD).No.1632/2012 and thus render justice.

Prayer in CMP(MD). 1336/ 2016 :

To set-aside the abatement cause due to the death of the 3rd respondent (Late Durairaj) in CRP.(MD).No.1632/2012 on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD). 1337/ 2016 :

To permit the petitioner to bring on record the 6 to 8



respondents herein as legal representatives of the deceased 3rd respondent (Late Durairaj) and rank them as 6 to 8 respondents in CRP.(MD).No.1632/2012 on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD). 1338/ 2016 :

To condone the delay of 947 days in filing the petition to set-aside the abatement cause due to the death of the 3rd respondent (Late Durairaj) in CRP.(MD).No.1633/2012 and thus render justice.

Prayer in CMP(MD). 1339/ 2016 :

to set-aside the abatement cause due to the death of the 3rd respondent (Late Durairaj) in CRP.(MD).No.1633/2012 on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD). 1340/ 2016 :

To permit the petitioner to bring on record the 6 to 8 respondents herein as legal representatives of the deceased 3rd respondent (Late. Durairaj) and rank them as 6 to 8 respondents in CRP.(MD).No.1633/2012 on the file of this Honourable Court and thus render justice.

Prayer in CRP(MD). 1633/ 2012 :

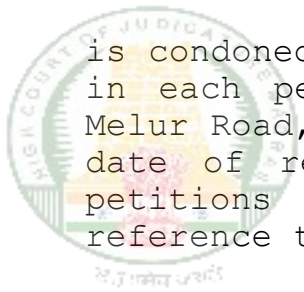
To call for the records and set aside the order dated 28/11/2008 passed in EA.No.79/2008 in C.C.No.68/2007 on the file of the District Consumer Redressal Forum, Theni and pass such other and further orders as this Honourable Court may deem to fit the facts and circumstances of the case by allowing this CRP.No.1633/2012 and thus render justice.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S. D.NALLATHAMBI, Advocate for the petitioner in all the petitions and Mr.P.MUTHUVIJAYAPANDIAN, Advocate for for R5 in CRP 1627 to 1629/12 and 1631 to 1633/12, for R6 to R8 in CRP.No.1627,1629 to 1633/12,the court made the following order:-

These Miscellaneous Petitions have been filed to condone the delay of 947 days in filing the petition to set aside the abatement caused due to the death of the deceased third respondent Late. Durairaj to set aside the abatement caused due to his death; and to bring on record his legal representatives.

2 Heard the learned counsel appearing for the petitioner Mr.P.Muthu Vijaya Pandian, learned counsel appearing for the proposed respondents has no objection for ordering these petitions.

3 Recording the no objection of the counsel for the proposed respondents and being satisfied with the reasons assigned in the affidavits filed in support of the Miscellaneous Petitions and also the submission made by the learned counsel for the petitioner, CMP (MD) Nos. 1320, 1323, 1326, 1329, 1332, 1335, 1338 of 2016 are ordered and the delay of 947 days in filing the petition to set aside abatement,



is condoned on payment of cost of Rs.500/- (Rupees five hundred only) in each petitions to the Rojavanam Homeless & Aged Care Centre, Melur Road, Uthangudi, Madurai, within a period of one week from the date of receipt of a copy of this order, failing which, these petitions shall stand dismissed automatically, without further reference to this Court.

4 In view of the order passed in CMP (MD) No.1320,1323,1326,1329,1332,1335,1338 of 2016, Miscellaneous Petitions in CMP (MD) Nos.1321,1322,1324,1325, 1327,1328,1330,1331,1333,1334,1336,1337,1339 and 1340 of 2016 are also ordered.

5 Registry is directed to carry out necessary amendments in the cause title.

sd/-
09/12/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

THE DISTRICT CONSUMER REDRESSAL FORUM, THENI

COPY TO:

THE OFFICE INCHARGER
ROJAVANAM HOMELESS & AGED CARE CENTRE, MELUR
ROAD, UTHANGUDI, MADURAI

JAM/19.12.16/SK/SAR 3/5P-3C

ORDER
IN
CMP (MD) Nos.1320 to 1340 of 2016
IN
CRP (MD) No.1627 TO 1633 of 2012
Date :09/12/2016