



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

Wednesday, the Nineteenth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMP (MD) Nos.3342, 3343 & 3344 of 2016

IN

SA (MD) No.SR1123 of 2012

1 N.A.ARUNA ALAGAR RAJA

2 N.A. AJAI KARTHIK RAJA

..PETITIONERS/APPELLANTS

IN ALL THE PETITIONS

Vs.

1 SHANMUGAMMAL (DIED 2.6.15)

2 RAMAKRISHNAN

3 KRISHNAVENI

4 ESWARI

5 M. SELVI

6 NAGESWARI

7 PITCHAI MURUGAN

8 KALIYAMMAL,

9 SHANMUGAM

10 MUTHUSAMY

11 KALAIYARASI

12 PONNUTHAI

13 MUTHAIAN

14 SANNASI

15 PANDI

16 LAKSHMI

17 RUBY

18 PALANIMUTHU

19 SARATHA

20 SABITHA

21 AYYAR

22 MARIAMMAL

23 NAGENDRAN

24 SHANMUGAM AMMAL

25 RAJESWARI

26 PARAMASIVAM

27 PANDI

28 KUMAR

29 CHANDRAN

30 MARIYAYI

31 PALANIYAMMAL

32 MUTHAMMAL

33 LAKSHMIAMMAL

34 SANGILI

35 MARIYAPPAN

36 MARIYAMMAL

37 MAYILTHAI

38 MUTHU LAKSHMI

..RESPONDENTS/RESPONDENTS



39 MANMATHAN
40 SARASWATHI

..PROPOSED RESPONDENTS 38 TO 40/
LRS OF THE DECEASED R1
in all the petitions

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Petitions praying that in the circumstances stated therein and in the affidavits filed therewith the High Court will be pleased to

Prayer in CMP(MD).3342/2016 in SA(MD)No.SR1123 of 2012:-

To condone the delay of 151 days in setting aside the abatement caused due to the death of the 1st respondent in the Second Appeal in M.P(MD)No.1 of 2012 in S.A.S.R.No.1123 of 2012 in respect of AS.No.85/2008 on the file of the Sub Court, Theni and OS.No.324/2006 on the file of the District Munsif Court, Theni.

Prayer in CMP(MD).3343/2016 in SA(MD)No.SR1123 of 2012:-

To set aside the abatement caused due to the death of the 1st Respondent in S.A.S.R.No.1123 of 2012 in respect of AS.No.85/2008 on the file of the Sub Court, Theni and OS.No.324/2006 on the file of the District Munsif Court, Theni.

Prayer in CMP(MD).3344/2016 in SA(MD)No.SR1123 of 2012:-

To permit the petitioners to bring on record the Respondents 38, 39 and 40 herein as legal representatives of the deceased 1st Respondent (late Shanmugammal) and rank them as the 38th 39th and 40th Respondents in M.P(MD)No.1 of 2012 in S.A.S.R.No.1123 of 2012 in respect of AS.No.85/2008 on the file of the Sub Court, Theni and OS.No.324/2006 on the file of the District Munsif Court, Theni.

ORDER : These petition 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 of Mr.M.AJMAL KHAN, Advocate on behalf of the Respondents 1 to 5, the court made the following order:-

The above Civil Miscellaneous Petitions are filed to condone the delay of 151 days in setting aside the abatement caused due to the death of the first respondent in the Second Appeal in MP(MD)No.1 of 2012 in SA(MD)SR.No.1123 of 2012; to set aside the abatement caused due to the death of the first respondent in the Second Appeal in MP(MD)No.1 of 2012 in SA(MD)SR.No.1123 of 2012 and to permit the petitioners to bring on record the respondents 38, 39 and 40 herein and rank them as the 38th, 39th and 40th respondents in MP(MD)No.1 of 2012 in SA(MD)SR.No.1123 of 2012.

2. These petitions are not seriously opposed. Hence, all these petitions are ordered.

sd/-
19/10/2016

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TO

1 THE SUBORDIANTE JUDGE, THENI.

2 THE DISTRICT MUNSIF, THENI.

ORDER IN

CMP (MD) Nos. 3342, 3343 & 3344 of 2016

IN SA (MD) No. SR1123 of 2012

Date : 19/10/2016

PBK/CK/SAR-I 24/10/2016 :: 3P-3C: