



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

Tuesday, the Fourteenth day of November Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CMP (MD) Nos.10198 to 10201 of 2017

IN

SA No.471 of 1999

1 SUBBATHA,
2 CHELLAKANNU (DIED)
3 CHITRA
4 PAPA

...PETITIONERS/APPELLANTS No.1 to 4

5 RAVICHANDRAN
H/O.CHELLAKANNU,

6 MINOR.RAJKUMAR

7 MINOR.PRAKASH KUMAR
(2& 3 REPRESENTED BY THEIR
GUARDIAN/FATHER RAVICHANDRAN)

...5 to 7 PETITIONERS/
PROPOSED APPELLANTS No.5 to 7

Vs

1 V.PAPATHI

2 KUPPATHA (DIED)
3 RAMATHA

... RESPONDENTS No.1 to 3/
RESPONDENTS No.1 to 3

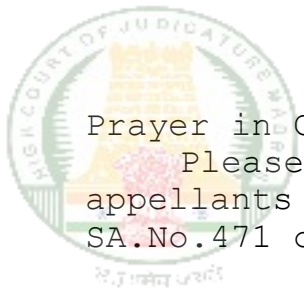
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the order of dismissed for default dated 16.8.2013 and restore the second appeal in SA.No.471 of 1999

Prayer in CMP(MD). 10199/ 2017 :

To condone the delay of 4048 days in filing the petition to setting a side the abatement caused due to the death of the appellant namely Chellakannu in S.A.No.471 of 1999

Prayer in CMP(MD). 10200/ 2017 :

To set aside the abatement caused due to death of 2nd appellant to bring on record of the legal heir of the deceased appellant, No.2 as appellant No.5 to 7 in the second appeal in SA.No.471 of 1999 and pass such other orders as this Honourable Court



Prayer in CMP(MD). 10201/ 2017 :

Pleaded to bring on record the 5 to 7 petitioners/proposed appellants as appellants No. 5 to 7 in the main second appeal in SA.No.471 of 1999

Prayer in SA No.471 of 1999:

to prefer this memorandum of second appeal against the Judgment and decree of the learned District Judge, Trichy in A.S.49 of 98 dated 23.10.98, confirming the Judgment and Decree of the Learned Sub-Judge, Kulithalai in O.S.No.64 of 95 dated 30.08.96.

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.J.MADHU, Advocate for the petitioner in all the petitions and of Mrs.M.Mariavinola, Advocate for the Respondents the court made the following order:-

C.M.P.(MD)No.10198 of 2017 has been filed to set aside the order of dismissed for default dated 16.08.2013 and restore the second appeal in S.A.No.471 of 1999.

2. C.M.P(MD)No.10199 of 2017 has been filed to condone the delay of 4048 days in fling the petition to set aside the abatement caused due to the death of the appellant namely Chellakannu in S.A.No.471 of 1999.

3. C.M.P.(MD)No.10200 of 2017 has been filed to set aside the abatement caused due to the death of the second appellant to bring the legal heirs of the appellant as the appellants 5 to 7 on record in S.A.No.471 of 1999.

4. C.M.P.(MD)No.10201 of 2017 has been filed to bring on record the 5 to 7 petitioners / proposed appellants as appellants Nos.5 to 7 in S.A.No.471 of 1999.

5. Heard Ms.J.Madhu, learned counsel for the petitioners, Mrs.M.Mariavinola, learned counsel for the respondents and perused the records.



judgment and decree passed in suit filed for partition and in order to meet ends of justice, this Court is inclined to condone the delay on payment of cost. Accordingly, these Miscellaneous Petitions are allowed on terms that the petitioners shall pay a cost of Rs.3,000/- (Rupees Three Thousand only) to the learned counsel for the respondents within a period of two weeks from the date of receipt of a copy of this order, failing which, the petitions will be dismissed automatically without any reference to this Court.

sd/-
14/11/2017

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SUBORDINATE JUDGE
KULITHALAI
- 2 THE DISTRICT JUDGE
TIRUCHIRAPALLI

ORDER
IN
CMP (MD) Nos.10198 to
10201 of 2017
IN
SA No.471 of 1999
Date :14/11/2017

SMA/RR/SAR-2/17.11.2017:3P/3C