



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

Wednesday, the Fifth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN

CMP(MD) Nos.2289 to 2291 of 2017

IN

AS No.657 of 2002

1 CHIDAMBARANATHAN (DIED)

2.SUNDARESWARAM (DIED)

... PETITIONERS / APPELLANTS
IN ALL THE PETITIONS

3 T.THILAGAM

4 S.T.SURYA

5 S.T.SUGANYA

... PETITIONERS / PROPOSED
APPELLANTS 3 to 5
IN ALL THE PETITIONS

Vs

1 CHELLATHAI @ CHELLA SOUNDARARAJAN,

2 NATARAJAN

3 SIVAKAMI SUNDARI

4 P.CHIDAMBARANATHAN (MINOR)
S/O PALAIAH,
REP.BY MOTHER AND GUARDIAN,
BHAVANI AMMAL

5 MARIA BENZIKAR

6 ANLET MERY THARTHEESE

... RESPONDENTS / RESPONDENTS
IN ALL THE PETITIONS

7 AMBAL

8 C.LINGAN @ NEELU

... RESPONDENTS/ PROPOSED
RESPONDENTS 7 & 8
IN ALL THE PETITIONS

PRAYER IN CMP(MD)2289/17 IN AS No.657/2002:-

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased condone the delay of 1301 days in seeking to set aside the abatement caused by the death of Sundareswaram, deceased 2nd Appellant in the above AS 657/2002.

PRAYER IN CMP(MD)2290/17 IN AS No.657/2002:-

<https://hcservices.ecourts.gov.in/hcservices/>
to set aside the abatement caused by the death of Sundareswaram, deceased 2nd Appellant in the above First Appeal.



PRAYER IN CMP(MD)2291/17 IN AS No.657/2002:-

to bring on record, Petitioners 3 to 5 herein who are the Legal Representatives of deceased Sundareswaram, the 2nd Appellant in the above First Appeal and rank them as Appellants 3 to 5 in the above First Appeal.

PRAYER IN AS No.657 of 2002:-

Appeal before this Hon'ble court against the judgment and decree of the learned Subordinate Judge, Nagercoil in O.S.No.86 of 1985 dated 29.01.93

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.K.SREEKUMARAN NAIR, Advocate for the petitioner in all the petitions, the court made the following order:-

These Civil Miscellaneous Petitions have been filed to condone the delay of 1301 days in filing the petition to set aside the abatement caused due to the death of the second appellant, namely, Sundareswaran; to set aside the abatement caused due to the death of the second appellant and to bring on record the legal representatives of the deceased second appellant as the proposed appellants 3,4 and 5 in the appeal.

2. The suit is for partition and necessity to continue the suit with legal representatives on record is imperative in the cause of justice. However, in view of the delay, these petitions are allowed on payment of cost of Rs.1,500/- in total, in the account opened in the name of the Registrar(Administration), [Removal of Karuvelam (prosopis Juliflora Trees)], Saving Bank Account No.6514082295, Indian Bank, Madurai Bench of Madras High Court, Madurai on or before 21.04.2017.

call on 24.04.2017 for reporting compliance.

sd/-

05/04/2017

/ TRUE COPY /

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

TO

THE SUBORIDINATE JUDGE,
NAGERCOIL



COPY TO:--

1. THE MANAGER, INDIAN BANK
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI
2. THE REGISTRAR (ADMN)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

WEB COPY

JAM/10.04.17/BS/SAR 2/ 3P-4C

ORDER
IN
CMP (MD) Nos. 2289 to 2291 of 2017
IN
AS No. 657 of 2002
Date : 05/04/2017