



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

Friday, the Tenth day of March Two Thousand Seventeen

PRESENT

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

CMP(MD) Nos.242 to 244 of 2017
IN
CMA(MD) No.471 of 2011

N. MAHALAKSHMI ... PETITIONER/PROPOSED RESPONDENT

Vs

P. NAGARAJAN (DIED)

1 PACKIYA LAKSHMI @ KAMALA, ... RESPONDENT/APPELLANT
2 PANNER DOSS ... RESPONDENT/2nd RESPONDENT
3 V. PALANICHAMY ... RESPONDENTS/3rd RESPONDENT

Prayer in CMP(MD). 242/ 2017 in CMA(MD) No.471 of 2011 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 256 days in filing the petition for setting aside the abatement of appeal against the deceased 1st Respondent Nagarajan and pass such further or other as this Honourable Court may deem fit and proper for the circumstances of the case and thus render justice.

Prayer in CMP(MD). 243/ 2017 in CMA(MD) No.471 of 2011:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the abatement of appeal against the deceased 1st Respondent Nagarajan and pass such further or other as this Honourable Court may deem fit and proper for the circumstances of the case and thus render justice.

Prayer in CMP(MD). 244/ 2017 in CMA(MD) No.471 of 2011 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to bring the Petitioner on record as Respondent in the above appeal in C.M.A. (MD) No.471/2011 on the file this Honourable Court and permit the petitioner to defend the case

Prayer in CMA(MD). 471/ 2011 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the decree and judgment made in HMOP No. 1 of 2004 on the file of the Additional District Court (Fast Track Court), Pudukottai dated 26.09.2008 and pass such other and further orders as this Honourable High Court may deem fit and proper in the nature and circumstances of the case 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.R.NARAYANAN, Advocate for the petitioner in all the petitions and the respondent not appeared in person or by an Advocate in all the petitions, the court made the following order:-

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These Miscellaneous Petitions have been filed to condone the delay of 256 days in filing the petition to set aside abatement caused due to the death of the first respondent; to set aside the abatement caused due to his death; and to bring on record his legal representatives.

Heard the learned Counsel for the petitioner. No representation on the side of the respondents in the forenoon at 10.30 a.m. as well as in the afternoon at 12.15 p.m.

Having been satisfied with the reasons assigned in the affidavit filed in support of the Miscellaneous Petitions, C.M.P(MD) No.242 of 2017 is ordered and the delay of 256 days in filing the petition to set aside abatement, is condoned on condition that petitioner shall pay a sum of Rs.500/- (Rupees Five Hundred only) as cost, to the Rojavanam, Homeless & Aged Care Centre, Melur Road, Uthangudi, Madurai, within a period of one week from today, failing which, this petition shall stand dismissed automatically, without further reference to this Court. Consequently, C.M.P(MD) Nos.243 and 244 of 2017, are also ordered. Registry is directed to carry out necessary amendments in the cause title.

sd/-
10/03/2017

/ TRUE COPY /

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

TO
THE ADDITIONAL DISTRICT JUDGE
(FAST TRACK COURT), PUDUKOTTAI

Copy to: The Officer Incharge,
The Rojavanam, Homeless & Aged Care Centre,
Melur Road, Uthangudi, Madurai

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ORDER
IN
CMP(MD) Nos.242 to 244 of 2017
IN
CMA(MD) No.471 of 2011
Date :10/03/2017