



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

Tuesday, the Twenty First day of March Two Thousand Seventeen

PRESENT

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

CMP(MD) Nos.2550 to 2552 of 2017

IN

CMA(MD) No.716 of 2005

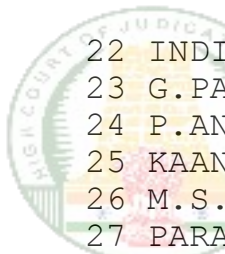
RAMASAMY NAICKER (DIED)

- 1 PANCHAMMAL
- 2 MEENAMMAL
- 3 MUTHUSAMY
- 4 ALGULAKSHMI
- 5 R.RAJAMUTHU
- 6 MUTHULAKSHMI
- 7 PACKIYALAKSHMI
- 8 NAGAJOTHI

... PETITIONERS/PROPOSED APPELLANTS
IN ALL PETITIONS

Vs

- 1 THE TAHSILDAR
THIRUMANGALAM TALUK,
TALUK OFFICE BUILDING,
THIRUMANGALAM TOWN.
- 2 THE DISTRICT COLLECTOR
COLLECTORATE, MADURAI-20.
- 3 P.VIRUMANDI
- 4 R.JOTHI
- 5 J.MUTHULAKSHMI
- 6 T.VIRUMANDI
- 7 LINGAM
- 8 M.KIDAIYAN
- 9 M.S.GANESAN
- 10 R.ALAGAR THEVAR
- 11 A.JEYARAJ
- 12 A.KATCHAMMAL
- 13 C.VIJAYA
- 14 K.JEYAKUMAR
- 15 K.JOTHI
- 16 M.S.MURUGAN
- 17 K.KANNAN
- 18 PACKIAM
- 19 O.KANNAN
- 20 R.SARINIVEL
- 21 R.JEYARAMAN



22 INDIRANI
23 G.PANDIAMMAL
24 P.ANNAKODI
25 KANTHAYAMMAL
26 M.S.P.RAJ PILLAI
27 PARASAKTHI
28 K.SELVAM
29 M.PERIYAKARUPPAN
30 MEENA
31 K.PANDIAMMAL
32 BALUCHAMY THEVAR
33 M.CHELLAKANNU
34 KAZHUVAYEE
35 M.RAMALAKSHMI
36 KARUPPIAH CHETTIAR
37 R.ILANGO VAN
38 JEGAN EAGALI
39 PERUMAL
40 SELVI
41 P.ARUMUGAM
42 VIJAYA
43 ALAGAR RAJA
44 MOORTHY
45 P.USARANI
46 S.ANNA DHANAM
47 M.KANNAN
48 MUTHUKARUPPAN

... RESPONDENTS / RESPONDENTS
IN ALL PETITIONS

PRAYER IN CMP(MD)2550/17 IN CMA(MD)No.716/05:-

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 653 days in filing petition seeking to set aside abatement caused due to the death of sole appellant in CMA(MD) No.716 of 2005 on the file of this Honourable Court and thus render justice.

PRAYER IN CMP(MD)2551/17 IN CMA(MD)No.716/05:-

to set aside the abatement caused due to the death of sole appellant in C.M.A(MD)No.716/05 .

PRAYER IN CMP(MD)2552/17 IN CMA(MD)No.716/05:-

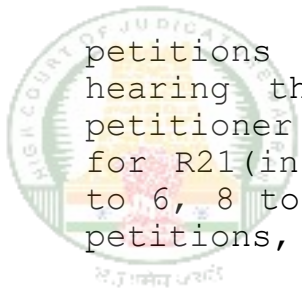
to bring on record of the legal representatives of the deceased sole appellant namely petitioners 1 to 8 as appellants 1 to 8 the above said appeal C.M.A(MD)No.716 of 2005.

PRAYER IN CMA(MD)No.716/05:-

Second Appeal against the Judgment and decree dated 27.10.2004 passed in A.S.No.100/2001 on the file of III Additional Subordinate Judge's Court, Madurai, reversing the judgment and decree dated 16.08.2000 passed in O.S.No.50/1992 on the file of District Munsif Judge's Court, Thirumangalam.

<https://hcservices.ecourts.gov.in/hcservices/>

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.S.M.MOHAN GANDHI, Advocate for the petitioner in all the petitions and of Mr.J.JEYAKUMARAN, Advocate for R21(in CMA), Mr.S.RAMESH for Mr.RAGHAVACHARI, Advocate for RR3 to 6, 8 to 13, 15 to 20, 22 to 35 to 39, 42 to 46 & 48, in all the petitions, the court made the following order:-

These Miscellaneous Petitions have been filed to condone the delay of 653 days in filing the petition to set aside the abatement caused due to the appellant; to set aside the abatement caused due to his death; and to bring on record his legal representatives.

2 Heard the learned counsel for the petitioners and the learned counsel for the respondents 3 to 6, 8 to 13, 15 to 20, 21, 22 to 35, 36 to 39, 42 to 46 and 48.

3. Having been satisfied with the reasons assigned in the affidavit filed in support of the Miscellaneous Petitions and also the submission made by the learned counsel for the petitioner, C.M.P (MD)No.2550 of 2017 is ordered and the delay of 653 days in filing the petition to set aside abatement, is condoned on payment of cost of Rs.1000/- (Rupees One Thousand only) 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, this petition shall stand dismissed automatically, without further reference to this Court. Consequently, C.M.P(MD)No.2551 & 2552 of 2017 are also ordered.

4. Registry is directed to carry out necessary amendments in the cause title and post the C.M.A., for final hearing in the first week of April, 2017.

sd/-
21/03/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE III ADDITIONAL SUBORDINATE JUDGE,
MADURAI.

2 THE DISTRICT MUNSIF, THIRUMANGALAM

COPY TO:-

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

JAM/23.03.17 /BS/SAR 3/ 3P-4C

ORDER IN
CMP(MD)Nos.2550 to 2552 of 2017 IN
CMA(MD) No.716 of 2005
Date :21/03/2017