



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

Thursday, the Sixth day of April Two Thousand Seventeen

PRESENT

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

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CMP(MD)Nos.2608 to 2610 of 2017 & 2638 to 2640 of 2017
IN
AS(MD) No.12 of 2009

1 VEERAMMAL

2 JAYAPAL

... PETITIONERS / APPELLANTS
in all the petitions

Vs

1 RAJAM (DIED)

NAGARATHINAM (DIED)

2 N.SELVARAJ

3 N.NATARAJAN

4 N.RANI

N.SIVAKUMAR (DIED)

5 N.MURTHY

6 KANAKAMBAL (DIED)

7 SETHU (DIED)

... RESPONDENTS/RESPONDENTS
in all the petitions

8 PARAMESWARI

... RESPONDENT/PROPOSED 8th
RESPONDENT
in all the petitions

9 KUMAR

10 VAIRAM

11 MALLIKA

12 JEYALAKSHMI

13 MALA

... RESPONDENTS/PROPOSED
RESPONDENTS 9 to 13
in all the petitions

PRAYER IN CMP(MD)No.2608/17 IN AS No.12/09:-

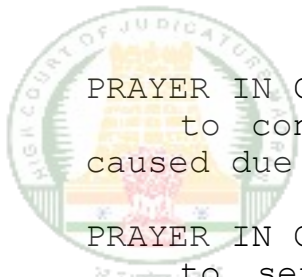
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 1059 days to set aside the abatement caused due to the death of 7th respondent namely Sethu and thus render justice.

PRAYER IN CMP(MD)No.2609/17 IN AS No.12/09:-

to set aside the abatement caused due to the death of 7th respondent namely Sethu and thus render justice.

PRAYER IN CMP(MD)No.2610/17 IN AS No.12/09:-

to bring on record of the proposed respondents 9 to 13 herein A.S.No.12 of 2009 as Legal Representatives of the deceased 7th respondent namely Sethu and thus render justice.



PRAYER IN CMP(MD)No.2638/17 IN AS No.12/09:-

to condone the delay of 817 days to set aside the abatement caused due to the death of 6th respondent namely Kanakambal.

PRAYER IN CMP(MD)No.2639/17 IN AS No.12/09:-

to set aside the abatement caused due to the death of 6th respondent namely Kanakambal.

PRAYER IN CMP(MD)No.2640/17 IN AS No.12/09:-

to bring on record of the proposed 8th respondent herein in A.S.No.12 of 2009 as Legal Representatives of the deceased 6th respondent namely Kanakambal.

PRAYER IN AS(MD) No.12 of 2009:-

to stay the operation of the Decree and Judgment dated 30.04.2008 made in O.S.No.87 of 2004 on the Additional District Judge cum Sessions Judge, Fast Track Court - 1, Trichy so for it is against the petitioners pending disposal of the above First Appeal.

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.G.ETHIRAJULU PITY PARTHASARATHY, Advocate for the petitioner in all the petitions and of on behalf Mr.R.DEVARAJ, Advocate for R1 & R3, in CMP(MD)No.2638/17 to 2640/17 , the court made the following order:-

CMP(MD)Nos.2608 to 2610 of 2017:-

By order dated 22.03.2017, this Court had directed payment of cost of Rs.2,000/-. A memo has been filed stating that the said order has been complied with. Accordingly, these petitions are allowed. The Office is directed to carryout necessary amendments in the ground of appeal recording the death of the Seventh respondent and also recording the respondents 9 to 13 as legal representatives of the deceased seventh respondent.

CMP(MD)Nos.2638 to 2640 of 2017:-

By order dated 22.03.2017, this Court had directed payment of cost of Rs.2,000/-. A memo has been filed stating that the said order has been complied with. Accordingly, these petitions. The Office is directed to carryout necessary amendments in the ground of appeal recording the death of the Sixth respondent and also recording the eighth respondents as legal heir of the deceased sixth respondent.

Issue notice to the proposed respondents 8,9,10,11,12 and 13 through Court as well as privately returnable by 26.04.2017. The learned counsel for the appellant is directed to take steps on or before 11.04.2017.

sd/-

06/04/2017

/ TRUE COPY /



TO

THE ADDITIONAL DISTRICT CUM SESSIONS JUDGE
FAST TRACK COURT, TRICHY

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JAM/11.04.17/BS/SAR 2/ 3P-2C

ORDER

IN

CMP (MD) Nos. 2608 to 2610 / 2017 & 2638 to 2640 of 2017
IN

AS (MD) No. 12 of 2009

Date : 06/04/2017