



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
Monday, the Third day of April Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE
CMP(MD) No.2731 to 2733 of 2017

IN

SA(MD) No.177 of 2006

WEB COPY

1 SAMMANASU (DIED)
2 EDWARD JACOB POORNANATHAN
3 SAHAYA TAMILSELVI
4 JOSEPH PUSHPANATHAN
5 NIRMAL VINOD AMALANATHAN

... PETITIONERS 2 TO 5/PROPOSED
APPELLANTS 2 TO 5 IN BOTH PETITIONS

Vs

1 M.CASHMIR

2 SOOSAI FATHIMA

... RESPONDENTS/ RESPONDENTS IN
BOTH PETITIONS

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 507 days in filing the above application to set aside the abatement caused due to the death of the deceased sole appellant viz., Sammansu in the above SA(MD) 177/2006.

Prayer in CMP(MD). 2732/ 2017 :

To set aside the abatement caused due to the death of the deceased sole appellant viz., Sammansu in the above SA(MD) 177/2006.

Prayer in CMP(MD). 2733/ 2017 :

To bring on record the petitioners 2 to 5 herein as legal representatives of the deceased sole appellant viz., Sammansu and rank them as appellants 2 to 5 in the above SA(MD) 177/2006.

Prayer in SA(MD). 177/ 2006 :

The Appellant begs to prefer this Memorandum of SA against the Judgment and Decree passed in AS.31/2004 on the file of the Sub Court, Tuticorin dt. 24.06.2005 reversing the Judgment and Decree passed in OS.114/1999 on the file of the Addl.District Munsif Court, Tuticorin dt. 21.07.2003.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.P.SENTHIL, Advocate for the petitioner and of Mr.S.SIVATHILAKAR Advocate for R1 &R2 on behalf of the Respondents the court made the following order:-

These Miscellaneous Petitions have been filed to condone the delay of 507 days in filing this Petition to set aside the abatement caused due to the death of the deceased sole appellant viz., Sammansu; to set aside the abatement caused due to the death of the deceased sole appellant and to bring on record the LRs of the deceased sole appellant as appellants 2 to 5.



2. Heard the learned counsels appearing on either side.

3. Considering the facts and circumstances of the case, the Petitions are allowed on payment of cost Rs.500/- in total, to be deposited in the Indian Bank, Madurai Bench of Madras High Court, Madurai, under SB Account No.6514082295, operated by the Registrar (Administration) for Removal of Karuvelam Trees, within a period of two weeks from the date of receipt of a copy of this order, failing which the CMPS are dismissed automatically without any further reference to this Court.

sd/-
03/04/2017

/ TRUE COPY /

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

TO

- 1 THE SUBORDINATE JUDGE, TUTICORIN
- 2 THE ADDITIONAL DISTRICT MUNSIF COURT, TUTICORIN
- 3 THE REGISTRAR (ADMINISTRATION)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE BANK MANAGER,
INDIAN BANK,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CMP (MD) No.2731 to 2733 of 2017
IN
SA (MD) No.177 of 2006
Date : 03/04/2017

AAM-KKR/SAR 2/06.04.2017 2P 5c