



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

Tuesday, the Fourteenth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CMP(MD) No.6730 to 6735 of 2017
IN
SA No.1015 of 2000

R.CHINNTHAMBI

... PETITIONER/APPELLANT
IN ALL THE PETITIONS

Vs

V.NAGAN (DIED)
V.CHIDAMBARAM,
V.RAMLINGAM,
V.RANGASAMY
V.KARUPPAN (DIED)

...RESPONDENTS 1 TO 5/RESPONDENTS 1 TO 5
IN ALL THE PETITIONS

MARAGATHAM
KASTHURI,
BALAJI

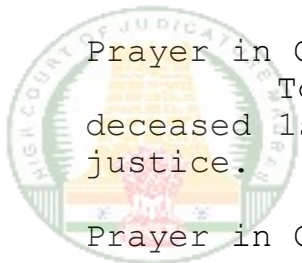
... RESPONDENTS 6 TO 8/PROPOSED
RESPONDENTS 6 TO 8 LEGAL HEIRS OF
THE DECEASED 1ST RESPONDENT
IN CMP(MD)NO.6730 TO 6732/2017
IN SA.NO.1015/2000

CHINNAPONNU
SANMUGAM
CHANDIRA BOSE,
THIRUMANI
CHELLAMMAL
SUSILA
PADMINI
PODUMPONNU

... RESPONDENTS 6 TO 13/PROPOSED
RESPONDENTS 9 TO 16 LEGAL HEIRS OF
THE DECEASED 5TH RESPONDENT
IN CMP(MD)NO.6733 TO 6735/2017
IN SA.NO.1015/2000

PRAYER IN CMP(MD)NO.6730/2017 IN SA(MD)NO.1015/2000 :

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 1482 days in filing the petition to bring on record of the legal representatives of the deceased 1st respondent in the above second appeal and thus render justice.



Prayer in CMP(MD). 6731/ 2017 IN SA(MD)NO.1015/2000 :

To set aside the abatement caused due to the death of the deceased 1st respondent in the above second appeal and thus render justice.

Prayer in CMP(MD). 6732/ 2017 IN SA(MD)NO.1015/2000 :

To bring on record the respondents 5 to 8 as legal representative of the deceased 1st respondent in the above second appeal and rank them as respondents 6 to 8 in the above second appeal and thus render justice.

Prayer in CMP(MD). 6733/ 2017 IN SA(MD)NO.1015/2000 :

To condone the delay of 807 days in filing the petition to bring on record of the legal representatives of the deceased 5th respondent in the above second appeal

Prayer in CMP(MD). 6734/ 2017 IN SA(MD)NO.1015/2000 :

To set aside the abatement caused due to the death of the deceased 5th respondent in the above second appeal and thus render justice.

Prayer in CMP(MD). 6735/ 2017 IN SA(MD)NO.1015/2000 :

To bring on record the respondents 6 to 13 as legal representative of the deceased 5th respondent in the above second appeal and rank them as respondents 9 to 16 in the above second appeal

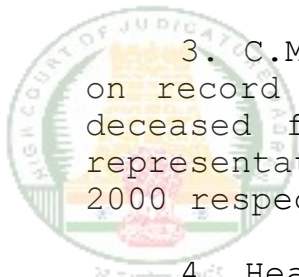
PRAYER IN SA.NO.1015/2000 :

Second Appeal filed under Section 100 C.P.C., praying against the Judgment and decree made in A.S.No.8/1998 on the file of the Additional District Judge Cum Chief judicial Magistrate, Pudukottai, dated 18.01.1999 reversing the Judgment and Decree made in O.S.No.1305/1993 on the file of the Additional District Munsif Court, Pudukottai dated 29.02.1996.

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.T.PON RAMKUMAR, Advocate for the petitioner and of MR.A.MUTHUKUMAR, Advocate for the Respondents 1 to 5 in all the petitions and of MR.K.N.GOVARDHANAN, Advocate for the 7th Respondent in CMA(MD)No.6733 to 6735/2017 in SA.No.1015/2000 the court made the following order:-

C.M.P.(MD)Nos.6730 and 6733 of 2017 have been filed to condone the delay of 1482 and 807 days in filing the petition to bring on record of the legal representatives of the deceased 1st respondent and the deceased 5th respondent in S.A.No.1015 of 2000 respectively.

2. C.M.P.(MD)Nos.6731 and 6734 of 2017 have been filed to set aside the abatement caused due to the death of the deceased first respondent and the deceased fifth respondent in S.A.No.1015 of 2000 respectively.



3. C.M.P. (MD) Nos. 6732 and 6735 of 2017 have been filed to bring on record the respondents 6 to 8 as legal representatives of the deceased first respondent and the respondents 6 to 13 as legal representatives of the deceased fifth respondent in S.A.No.1015 of 2000 respectively.

4. Heard Mr.T.Pon Ramkumar, learned counsel for the petitioner, Mr.A.Muthukumar, learned counsel for the respondents and perused the records.

5. Considering the fact that the appeal arises out of the judgment and decree passed in the suit claiming right over immovable property and in order to meet ends of justice, this Court is inclined to condone the delay on payment of cost. Accordingly, these Miscellaneous Petitions are allowed on terms that the petitioner shall pay a cost of Rs.5,000/- (Rupees Five Thousand only) to the learned counsel for the respondents within a period of four weeks from today, failing which, these petitions will be dismissed automatically without any reference to this Court.

sd/-
14/11/2017

/ TRUE COPY /

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

TO

1 THE ADDITIONAL DISTRICT JUDGE CUM
CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI

2 THE ADDITIONAL DISTRICT MUNSIF, PUDUKOTTAI.

GJM/SM/SAR-3-17.11.2017-2P-3C

ORDER
IN
CMP (MD) No.6730 TO 6735 of 2017
IN
SA No.1015 of 2000
Date :14/11/2017