



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

Monday, the Thirteenth day of February Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD)Nos.979 to 981 of 2017

IN

AS No.483 of 1998

THE SPECIAL TAHSILDAR (LA)
ADI DRAVIDAR WELFARE,
VIRUDHUNAGAR

... PETITIONER/APELLANT IN
ALL THE PETITIONS.

- Vs. -

KARUPPIAH NADAR (DIED)

1 K.MARIAPPAN

2 K.KARUPPASAMY (DIED)

3 K.SHANMUGA GANI

4 K.BALASUBRAMANIAN

5 K.PANCHAVARNAM (DIED)

6 G.LINGAMMAL

7 K.ARUMUGATHAI

8 S.VIJAYALAKSHMI

...RESPONDENTS 1 TO 8/

PROPOSED RESPONDENTS 1 TO 8 IN
ALL THE PETITIONS.

9 K.PARAMESWARI

10 PERIYASAMY

11 BHUVANESWARI

12 SUDHA GANESH

...RESPONDENTS 9 TO 12/

PROPOSED RESPONDENTS 9 TO 12
(LEGAL REPRESENTATIVES OF
DECEASED 2ND RESPONDENT) IN
ALL THE PETITIONS.

13 MUNEESWARI

14 ANANDEESWARI

15 RAJESWARAN

16 DHANALAKSHMI

17 KATHIRVELPANDIAN

...RESPONDENTS 13 TO 17/ PROPOSED

RESPONDENTS 13 TO 17 (LEGAL
REPRESENTATIVES OF 5TH
RESPONDENT K.PANCHAVARNAM) IN
ALL THE PETITIONS.

Prayer in CMP(MD). 979/ 2017 :

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 12783 days to bring on the record of the proposed respondents 9 to 12 herein in A.S.No.483 of 1998 as Legal Representatives of the deceased 2nd respondent namely K.Karuppasamy.

**Prayer in CMP(MD). 980/ 2017 :**

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 in bring on record of the proposed respondents 9 to 12 herein in A.S.No.483 of 1998 as Legal Representatives of the deceased 2nd respondent namely K.Karuppasamy.

Prayer in CMP(MD). 981/ 2017 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to bring on record of the proposed respondents 9 to 12 herein in A.S.No.483 of 1998 as Legal Representatives of the deceased 2nd respondent namely K.Karuppasamy.

Prayer in AS No.483 of 1998:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to present this memorandum of grounds of regular appeal to this Hon'ble Court against the Judgment and Decree of the learned Principal Subordinate Judge of Srivilliputhur in L.A.O.P.No.77/95 dated 24th day of December 1997.

ORDER: These petitions coming on for orders upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.KUMAR, Additional Government Pleader, for the petitioner in all the petitions and of MR.D.SAKKARAVARTHI, Advocate, on behalf of the Respondents in all the petitions, the court made the following order:-

These petitions are filed to condone the delay of 12783 days in filing the petition to set aside the abatement caused due to the death of the deceased 2nd respondent, to set aside the abatement and to bring on record the proposed respondents 9 to 12 herein as the legal representatives of the deceased 2nd respondent.

2. Heard the learned Additional Government Pleader appearing for the petitioner.

3. Reading the affidavit filed in support of this petition discloses that the second respondent died in the year 1981 and that he was wrongly shown as a person living which impleading him as a legal heir of the first respondent. Since the second respondent died long before the proceedings for acquiring lands, these petitions are not necessary. Since the other legal heirs of first respondent are already on record, there is an abatement.

4. The learned Additional Government Pleader appearing for the petitioner has also made an endorsement seeking permission of this Court to not press these applications with a liberty to file a fresh application. Hence, these applications are dismissed as not pressed. However, the petitioner is given liberty to bring on record the



legal representatives of the deceased second respondent in the above appeal.

sd/-
13/02/2017

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

TO
THE PRINCIPAL SUBORDINATE JUDGE, SRIVILLIPUTHUR.

ORDER
IN
CMP (MD) Nos. 979 to 981 of 2017
IN
AS No. 483 of 1998
Date : 13/02/2017

AM/PM PN/SAR-3/16.02.2017/3P/2C