



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

Tuesday, the Twenty Fourth day of July Two Thousand Eighteen

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PRESENT

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

CMP(MD) No.10952 of 2017

IN MP(MD)No.1 of 2011

IN

SA(MD) No.SR7289 of 2008

VALLIAMMAI (DIED) ... PETITIONER/PETITIONER/APPELLANT
CHIDAMBARAM CHETTIAR ... PETITIONER/PROPOSED PETITIONER/
PROPOSED APPELLANT

Vs

(*)1 CHINTHAMANI ACHI (DIED)
2.MUTHIAH (DIED)
3. NATARAJAN
4 SIVANANTHAN @ ANNAMALAI
5 SIVAKAMI
6 VALLIKANNU
7 KALAISELVI
8 KALIYAPPAN
9 PERUMAL

... RESPONDENTS 3 to 9/RESPONDENTS 3 to 9/
RESPONDENTS 3 to 9

(*)R1 died Memo recorded Memo USR No.2855/2012 vide
order dated 17.10.2012 & made in MP(MD)No.1/2011 in
SA(MD)No.SR7289/2018 by RKJ)

Prayer in CMP(MD).10952/2017:

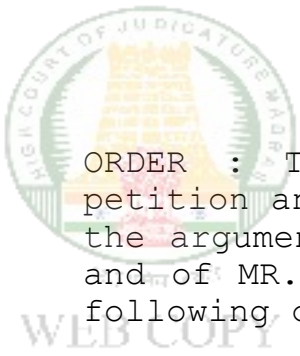
Petition praying that in the circumstances stated therein
and in the affidavit filed therewith the High Court will be pleased
to accept the cause title and thus render justice.

Prayer in MP(MD).1/2011 in SA(MD).SR7289/2008 :

To condone the delay of 1352 days in representing the SA in
SA(MD)SR.No.7289 of 2008 and thus render justice.

Prayer in SA(MD).SR7289/2008 :

To set aside the Judgment and Decree and dated 20.12.2006 in
A.S.No.90 of 2004 on the file of the Learned Principal District and
Sessions Judge, Pudukkottai reversing the Judgment and Decree dated
04.12.2003 passed in O.S.No.139 OF 1993 on the file of the Learned
Subordinate Judge, Pudukkottai.



ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.G.PRABHU RAJADURAI, Advocate for the petitioner and of MR.R.SUNDAR SRINIVASAN, Advocate for R2, the court made the following order:-

Today, this matter is posted under the caption "to recall the order".

2.It is to be noted that the petitioner has earlier filed an application to condone the delay in re-representation and the said petition in M.P.(MD)No.1 of 2011 in S.A.(MD)No.SR7289 of 2008 was dismissed by this Court by order dated 02.12.2016. It was thereafter, the petitioner filed the application in C.M.P.(MD) No.10952 of 2017 to accept the cause title. This petition was ordered after referring to the fact that the earlier application filed to condone the delay in re-representation was dismissed when the petitioner was not alive and that therefore, the petition to accept the cause title is liable to be allowed. The petition to accept the cause title is neither required nor appropriate as the petitioner has to implead himself as legal representative of the deceased appellant to prosecute the appeal. In that view of the matter, the order in C.M.P.(MD) No.10952 of 2017 is recalled. The petitioner is directed to file necessary applications.

sd/-
24/07/2018

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

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, PUDUKKOTTAI

2 THE SUBORDINATE JUDGE, PUDUKKOTTAI

ORDER
IN
CMP(MD) No.10952 of 2017
IN MP(MD)No.1 of 2011
IN
SA(MD) No.SR7289 of 2008
Date :24/07/2018

PK/VR/SAR-2/27.08.2018 : 2P/3C