



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice S.RAMATHILAGAM

CMP(MD) Nos.5346 to 5348 of 2017
IN Cross.Obj.No.11 of 2009
IN AS No.287 of 1998

1 P. VEERASWAMY(DIED) ... CROSS OBJECTOR/1st RESPONDENT
IN ALL THE PETITIONS
2.V. SHANTHI
3 V. SATHIYA
4 V. SARANYA
5 V. BHARANI ... PETITIONERS/PROPOSED CROSS OBJECTORS
IN ALL THE PETITIONS
(4th PETITIONER REP BY HIS POWER AGENT 2nd PETITIONER)

Vs

1 MANI ALIAS MARIAMMAL
2 MARIYAYEE (DIED) REP.BY LRs.
3 BAKYALAKSHMI
4 SELVAMANI
5 ANNAKKILLI (DIED) REP.BY LRs.
6 MUSIRI CO-OP.PRIMARY & AGRICULTURAL LAND
DEVELOPMENT BANK REPRESENTED BY ITS SPECIAL
OFFICER/SECRETARY. ... RESPONDENTS/RESPONDENTS
IN ALL THE PETITIONS
7 P. VAIYAPURI
8 V. MAHENDRAN
9 V. ARIVAZHAGAN
10 V. KAVITHA ...RESPONDENTS/PROPOSED RESPONDENTS 7TO10/
LRs OF DECEASED 5th RESPONDENT
in CMP 4801/17 to CMP 4803/17
IN ALL THE PETITIONS

Prayer in CMP(MD) . 5346/ 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 963 days in filing the petition to set aside the abatement caused due to the death of the sole cross objector in Cross Objection No.11 of 2009 in A.S.No.287 of 1998.

Prayer in CMP(MD) . 5347/ 2017 :

To set aside the abatement caused due to the death of the sole cross objector in Cross Objection No.11 of 2009 in A.S.No.287 of 1998.



Prayer in CMP(MD) . 5348/ 2017 :

To bring on records the petitioners 2 to 5 herein as legal heirs of the deceased sold cross objector and rank them as Cross Objectors 2 to 5 in Cross Objection No.11 of 2009 in A.S.No.287 of 1998.

Prayer in Cross.Obj.No.11/ 2009 :

Cross Objection filed under Order 41 Rule 22 of C.P.C., against the judgment and decree dated 24.10.1997 made in O.S.No.12 of 1996 by the learned Subordinate Judge, Kulithalai.

Prayer in AS. 287/ 1998 :

Appeal filed under Section 96 of C.P.C., against the judgment and decree dated 24.10.1997 made in O.S.No.12 of 1996 by the learned Subordinate Judge, Kulithalai.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.P.THAGARAJAN, Advocate for the petitioners in all the petitions the court made the following order:-

These petitions have been filed to condone the delay of 963 days in filing the petition to set aside the abatement cause due to the death of the sole cross objector in Cross Objection No.11 of 2009 in A.S.No.287 of 1998, to set aside the abatement and to bring on record the legal heirs of the deceased sole cross objector.

2. Considering the reasons stated in the affidavits filed in support of these petitions, these petitions are allowed on payment of cost of Rs.1,000/- (Rupees One Thousand Only) to the Legal Aid Service Authority, attached to this Bench, within a period of two weeks from the date of receipt of a copy of this order, failing which, these petitions shall stand automatically dismissed without further reference to this Court.

sd/-

25/01/2018

/ TRUE COPY /

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

TO

THE SUBORDINATE JUDGE, KULITHALAI.

Copy to

THE OFFICER-IN-CHARGE,

LEGAL AID SERVICE AUTHORITY,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CMP(MD) Nos.5346 to 5348 of 2017
IN Cross.Obj.No.11 of 2009

IN AS No.287 of 1998

Date :25/01/2018