



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

Tuesday, the Sixth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice S.RAMATHILAGAM

CMP(MD) Nos.6325 to 6327 of 2017

IN

SA(MD) No.264 of 2008

1 R.BALASUBRAMANIAN
2 M.ANGUTHAI
3 M.SULOCHANA
4 M.RAMIAH @ RANJITH KUMAR
(THEN MINOR)

5 M.RAMALAKSHMI @ RAMYA
(THEN MINOR)

6 M.JAYALAKSHMI
7 M.DEVAGURU
8 M.THANGAVELU
9 T.JAGATHAMBAL

... PETITIONERS/ APPELLANT
IN ALL THE PETITIONS

Vs

1 SMT.S.KAVERIAMMAL (DIED)

2 SMT.MUTHUKARUPAYEE

3 K.NATARAJAN(DIED)

... RESPONDENT 1 TO 3/
RESPONDENT 1 TO 3
IN ALL THE PETITIONS

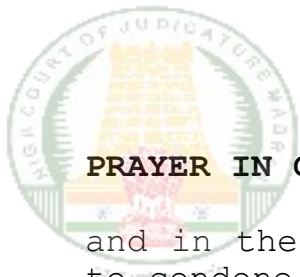
4 S.MURUGESAN(DIED)

5 S.THANGAVEL
6 S.BAGAWAN
7 S.RAMANATHAN
8 S.RAJATHI
9 S.MEENATCHI
10 S.VELAMMAL

... RESPONDENTS 4 TO 10/
PROPOSED RESPONDENTS 4 TO 10

11 N.MUTHU IRLANDI

... 11th RESPONDENT/
11th PROPOSED RESPONDENT/
LR OF 3rd RESPONDENT
IN ALL THE PETITIONS

**PRAYER IN CMP(MD) No.6325 of 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 2153 days in filing the petition to bring on record the respondent 11, here in viz N.Muthuirulandi S/o.K.Natarajan as legal heir of the deceased 3rd respondent and rank him as 11th Respondent in the Second Appeal SA(MD) No.264/2008 and thus render justice.

Prayer in CMP(MD) . 6326/ 2017 :

To set aside the abetment and permit this petitioner to bring on record as the respondent 11, here in viz N.Muthuirulandi S/o.K.Natarajan as legal heir of the deceased 3rd respondent and rank him as 11th Respondent in the Second Appeal SA(MD) No.264/2008.

Prayer in CMP(MD) . 6327/ 2017 :

To bring on record the respondent 11 here in as legal heir of the deceased 3rd respondent and rank him as 11th Respondent in this Second Appeal SA(MD) No.264 and thus render justice.

Prayer in AS(MD) . 264/ 2008 :

To memorandum of second appeal preferred by the appellant above named against the decree and common judgment of Principal District Court, Madurai in A.S.No.59/2006 dated 16.02.2007 confirming the decree and common judgment dated 13.02.2006 in O.S.No.694/1997 on the file of 1st Additional Subordinate Judge, Madurai.

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.N.SUNDARESHAN, Advocate for the petitioner in all the petitions and of M/S.S.MANOHAR, Advocate for R2 to R4 in all the petitions, the court made the following order:-

These petitions have been filed to condone the delay of 2153 days in filing the petition to set aside the abatement caused due to the death of K.Natarajan the 3rd respondent and to set aside the abatement caused due to his death and to bring on record the respondent 11, the legal heir of deceased 3rd respondent, as respondent 11 in the above second appeal.

2.Heard the learned counsel appearing for the petitioners.

3.Being satisfied with the reasons stated in the affidavit filed in support of these petitions and in the interest of justice, these petitions are allowed and delay is condoned on payment of Rs.500/- [Rupees Five Hundred only] to the Legal Services Authority, attached to this Bench within a period of one week from the date of



receipt of a copy of this order, failing which these petitions shall stand dismissed automatically without further reference to this court.

sd/-

06/02/2018

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/ TRUE COPY /

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

TO

1. THE PRINCIPAL DISTRICT JUDGE, MADURAI.
2. THE 1ST ADDITIONAL SUBORDINATE JUDGE, MADURAI.

Copy to:

THE AUTHORISED OFFICER,
LEGAL SERVICES AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CMP(MD) Nos.6325 to 6327 of 2017
IN SA(MD) No.264 of 2008
Date :06/02/2018

MS/PM/SAR.1/14.02.2018/3P.4C