



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

Friday, the Ninth day of November Two Thousand and Eighteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMP(MD) No.5651 to 5653 of 2018

IN

SA No.1513 of 1995

1.P.RAMAN AMBALAM (DIED)
2 K.VELLAIKANNU (DIED)

... PETITIONERS 1 AND 2/
APPELLANTS 1 AND 2
(in all the petitions)

3.ALAGAMMAL
4.MEGANATHAN
5.RAJA
6.CHINNADURAI
7.CELLAISAMY (DIED)
8.KESAN
9.JEYAMANI

... PETITIONERS 3 TO 9 /
PROPOSED APPELLANTS 3 TO 9
(LR's OF THE DECEASED 1st APPELLANT
NAMESLY P.RAMAN AMBALAM)
(in all the petitions)

10.V.PUSHPA
11.V.VANITHA
12.V.SURESHKUMAR
13.MINOR.V.GOWRI

... PETITIONERS 10 TO 13 /
PROPOSED APPELLANTS 10 TO 13
(LR's OF THE DECEASED PROPOSED
7th PETITIONER NAMESLY R.VELLAISAMY)
(in all the petitions)

14.V.PATCHAIMMAL
15.V.PALANIAPPAN
16.D.DHAKSINAMOORTHY
17.V.KESIAMMAL

... PETITIONERS 14 TO 17 /
PROPOSED APPELLANTS 14 TO 17
(LR's OF THE DECEASED 2nd APPELLANT
NAMESLY R.VELLAIKANNU)
(in all the petitions)

Vs

<https://hcservices.ecourts.gov.in/hcservices/>
1.V.UMMAIDUTHAN (DECEASED)
2.V.POOSALAN



3 N.KESAVAN
4 U.KESAVAN
5 U.CHINNAIYA
6 U.CHINNA KESAVAN
7 U.ARUMUGAN
8 U.PIDARI

... RESPONDENTS/RESPONDENTS
(in all the petitions)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone delay of 1778 days in filing the LR Application to bring on record of the legal heirs of the deceased 1st petitioner/Appellant namely the petitioners 3 to 13 herein in the above Second Appeal in Sa.No.1513 of 1995 on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD). 5652/ 2018 :

Pleased to set aside the order of abatement caused on the death of the 1st Petitioner/Appellant on 19.11.2012 and thus render justice.

Prayer in CMP(MD). 5653/ 2018 :

Pleased to bring on record of the legal heirs of the deceased Raman Ambalam 1st Petitioner/Appellant namely 1) Alagammal, W/o.Late Raman Ambalam, 2) Meganathan S/o. Late Raman Ambalam 3) Raja S/o.Late Raman Ambalam 4) Chinnadurai S/o.Late Raman Ambalam 5) Kesavan, S/o.Late Raman Ambalam 6) Jeyamani D/o.Late Raman Ambalam 7) V.Pushpa W/o.Late.R.Vellaisamy 8) V.Vanitha D/O.Late R.Vellaisamy 9) Sureshkumar S/o.Late R.vellaisamy 10) V.Gowri S/o. Late R.Vellaisamy the Petitioners 3 to 13 herein as the Appellants 3 to 13 in the above said second appeal in SA.No.1513 of 1995 on the file of this Honourable Court

Prayer in SA. 1513/ 1995 :

To prefer this Memorandum of Grounds of Second Appeal against the Judgement and decree dated 31/08/1995 and made in AS.No. 8/1995 on the file of the Sub Judge, Sivagangai, reversing the Judgement and Decree dated 09/03/1993 and made in O.S.NO. 361/1987 on the file of the District Munsif, Sivagangai.

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.V.P.VENKAT, Advocate for the petitioner in all the petitions and of Mr.P.VAIRAVA SUNDARAM, Advocate for the R2 & R3 in all the petitions on behalf of the Respondents the court made the following order:-

These Civil Miscellaneous Petitions have been filed to condone the delay of 1778 days in filing LR application to bring on record the legal heirs of the deceased 1st Appellant namely P.Raman Ambalam, to set aside the order of abatement caused on the death of the 1st



appellant on 19.11.2012 and to bring on record the legal-heirs of the deceased 1st appellant in the main second appeal.

2. Heard both sides. The learned counsel appearing for the respondents 2 to 8 has no objection for allowing these petitions.

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 on payment of Rs.3,000/- [Rupees Three thousand only] to the learned counsel appearing for the respondents 2 to 8 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/-

09/11/2018

/ TRUE COPY /

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

TO

TO

1. THE SUBORDINATE JUDGE,
SIVAGANGAI

2. THE DISTRICT MUNSIF,
SIVAGANGAI.

ORDER

IN

CMP(MD) No.5651 to 5653 of 2018

IN

SA No.1513 of 1995

Date : 09/11/2018

RAM/JC/SAR 4/23.11.2018/3P/3C