



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

Friday, the Ninth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMP(MD) No.5654 to 5656 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.VELLAISAMY (DIED)
8.KESAN
9.JEYAMANI
10.V.PUSHPA
11.V.VANITHA
12.V.SURESHKUMAR
13.V.GOWRI

... PETITIONERS 3 TO 13 /
PROPOSED APPELLANTS 3 TO 13
(in all the petitions)

14.V.PATCHAIAMMAL
15.V.PALANIAPPAN
16.V.DHAKSINAMOORTHY
17.V.KESIAMMAL

... PETITIONERS 3 TO 13 /
PROPOSED APPELLANTS 3 TO 13
(in all the petitions)

Vs

1.V.UKKIRAYAN (DIED)
2.V.POOSALAN
3.N.KESAVAN, S/O.NACHAN
4.U.KESAVAN, S/O.UKKIRAIYAN
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 the delay of 1540 days in filing the LR Application to



bring on record of the legal heirs of the deceased 2nd Petitioner / Appellant namely the Petitioners 14 to 17 herein in the above Second Appeal in S.A.No.1513 of 1995 on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD). 5655/ 2018 :

Pleaded to set aside the order of abatement caused on the death of the 2nd Petitioner / 2nd Appellant on 15.07.2013 in the above said second appeal in S.A.No.1513 of 1995 on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD). 5656/ 2018 :

Pleaded to bring on record of the legal heirs of the deceased K.Vellaikannu 2nd Petitioner / Appellant namely 1.V.Petchiammal W/o.Late.K.Vellaikannu 2.V.Palaniappan S/o.Late.K.Vellaikannu 3.V.Dhaksinamoorthy S/o.Late.K.Vellaikannu 4.V.Kesiammal D/o.Late.K.Vellaikannu the Petitioners 14 to 17 herein as the Appellants 14 to 17 in the above said second appeal in S.A.No.1513 of 1995 on the file of this Honourable court and thus render justice.

Prayer in SA. 1513/ 1995 :

To prefer this Memorandum of Grounds of Second Appeal against the Judgement and decaree 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 1540 days in filing LR application to bring on record the Legal-heirs of the deceased 2nd Appellant namely K.Vellaikannu, to set aside the order of abatement caused on the death of the 2nd appellant on 15.07.2013 and to bring on record the legal-heirs of the deceased 2nd 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

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/ TRUE COPY /

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

TO

1. THE SUBORDINATE JUDGE,
SIVAGANGAI

2. THE DISTRICT MUNSIF,
SIVAGANGAI.

ORDER
IN
CMP (MD) No.5654 to 5656 of 2018
IN
SA No.1513 of 1995
Date :09/11/2018

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