



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

Friday, the Thirteenth day of July Two Thousand Eighteen

PRESENT

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

CMP(MD) No.5710 to 5712 of 2018
IN SA(MD) No.443 of 2013

1 MUTHUSAMY NADAR (DIED)
2 IVARNAM
REP.BY ITS POWER AGENT
APPELLANT

...PETITIONERS/PETITIONERS
IN ALL THE PETITIONS

3 PANCHACHARAM
4 SASIVARNAM
5 CHANDRAN,
6 THANGAM(DIED)
7 S.KAMARAJ
8 MUNEESWARI
9 CHIDAMBARAM
10 KANDEEBAN
11 DHANASEKARAN
12 PREMALATHA

... PROPOSED PETITIONERS 3 TO 12/
PETITIONERS 3 TO 12 (L.R. OF
DECEASED 1ST PETITIONER)
IN ALL THE PETITIONS

Vs

SETHURAMAN

... RESPONDENT/RESPONDENT
IN ALL THE PETITIONS

Prayer in CMP(MD). 5710/ 2018 IN SA(MD) No.443 of 2013 :

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 93 days in filing the application to set aside the abatement caused due to the death of 1st appellant in SA.(MD). No.443 of 2013 on the file of this Hon'ble Court.

Prayer in CMP(MD). 5711/ 2018 SA(MD) No.443 of 2013:

To set aside the abatement cause due to the death of 1st Appellant in SA.(MD)No.443 of 2013 on the file of this Hon'ble court..

Prayer in CMP(MD). 5712/ 2018 SA(MD) No.443 of 2013 :

To bring on record the Appellants 3 to 12 herein as Legal Representatives of deceased 1st Appellant as proposed respondents 3 to 12 in SA.(MD).No.443 of 2013 on the file of this Hon'ble Court.



Prayer in SA(MD). 443/ 2013 :

To set aside the Judgment and Decree made in A.S.No.12 of 2012, dated 28.11.2012 on the file of the Sub Court, Aruppukkottai, confirming the Judgment and Decree in O.S.No.184 of 2002 dated 19.08.2011 on the file of District Munsif Court, Aruppukkottai and thus render justice.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.K.GOVINDARAJAN, Advocate for the petitioner in all the petitions and of Mr.S.PARTHASARATHY, Advocate for the Respondents in all the petitions the court made the following order:-

These miscellaneous petitions have been filed to condone the delay of 93 days in filing the application to set aside the abatement caused due to the death of the first appellant; to set aside the abatement caused due to his death and to bring on record his legal representatives as appellants 3 to 12.

2.Heard both sides.

3.The appellants narrated the events and facts convincingly to explain the delay. Since the delay has been properly and satisfactorily explained, this Court is inclined to allow the C.M.P. (MD) No. 5710 of 2018.

4.As a result, C.M.P.(MD) No. 5710 of 2018 is allowed and the delay of 93 days in filing the application to set aside the abatement is condoned. Consequently, the connected C.M.P.(MD) Nos. 5711 and 5712 of 2018 are allowed.

5.However, it is brought to the notice of this Court that the sixth petitioner, who is sought to be brought on record as the legal representatives of first petitioner is already dead. A dead person cannot be brought on record.

6.Hence, the Registry is directed to delete the name of sixth petitioner from the cause title and further directed to make necessary amendment in the cause title showing the petitioners 7 to 12 as petitioners 6 to 11.

7.Post the matter after two weeks.

sd/-
13/07/2018

/ TRUE COPY /



TO

1 THE SUBORDINATE JUDGE, ARUPPUKOTTAI

2 THE DISTRICT MUNSIF, ARUPPUKOTTAI

COPY TO : THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

GJM/CSL/SAR-2-26.7.18-2P-4C

ORDER
IN
CMP (MD) No.5710 TO
5712 of 2018
IN
SA (MD) No.443 of 2013
Date :13/07/2018