



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

Friday, the Twenty Seventh day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.SUNDAR

CMP(MD) No.6587 of 2018
IN
SA(MD) No.237 of 2006

1 KRISHNAN (DIED)
2 PAKKIAM
3 GOVINDASAMY
4 PERIYASAMY

... PETITIONERS/ APPELLANTS

Vs

1 NALLENDRAN
2 SARASU

... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to record the Petitioners / appellants 2 and 4 herein as legal heirs of the deceased 1st appellant in the above Second Appeal and thus render justice.

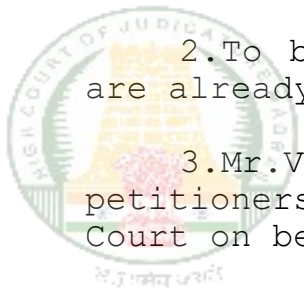
Prayer in SA(MD). 237/ 2006 :

To prefer the Memorandum of Grounds of Second Appeal against the Judgment and Decree dated 08.11.2004 in AS.89/2002 on the file of II Additional Subordinate Court, Trichy, modifying the Judgment and Decree dated 24.06.2002 in O.S.458/1996 on the file of the District Munsif Court, Thuraiyur.

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.VINOTH, Advocate for Mr.N.C.ASHOK KUMAR, Advocate for the petitioners and of Mr.R.VIJAYAKUMAR, Advocate on behalf of the Respondent, the court made the following order:-

It is submitted that appellant No.2 in the main second appeal, ie., Krishnan, is no more and that has necessitated the filing of the instant 'Civil Miscellaneous Petition' (herein after referred to as 'CMP' for brevity) with the following prayer:

'For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to record the petitioners/appellants 2 and 4 herein as legal heirs of the deceased 1st appellant in the above Second Appeal and thus render justice.'



2.To be noted, all the legal heirs of deceased appellant No.1 are already on record, ie., as appellants 2 to 4.

3.Mr.Vinoth, learned Counsel is before this Court on behalf of petitioners and Mr.R.Vijayakumar, learned Counsel is before this Court on behalf of respondents.

4.Mr.R.Vijayakumar, learned Counsel very fairly submits that he has no opposition or objection to this CMP.

5.I have perused the affidavit filed in support of the instant CMP and I have heard both the learned Counsel.

6.The prayer is innocuous and it is imperative that the same is acceded to for the second appeal to proceed further.

7.In the light of the narrative supra, this CMP is ordered as prayed for.

8.Registry to carry out necessary and consequential endorsements in the Court file, within a fortnight from today, ie., on or before 10.08.2018.

9.List the main second appeal thereafter.

sd/-
27/07/2018

/ TRUE COPY /

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

TO

1. THE II ADDITIONAL SUBORDINATE JUDGE, TRICHY.

2. THE DISTRICT MUNSIF, THURAIYUR.

COPY TO:

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

ORDER
IN
CMP (MD) No.6587 of 2018
IN
SA (MD) No.237 of 2006
Date :27/07/2018