



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

Thursday, the Sixth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMP(MD) Nos.7644 to 7646 of 2018

IN

SA No.1081 of 2002

N.P.V.RAMAMURTHY (DIED)

1. N.R.NARPAVI,
- 2 N.R.BALACHANDRAN
- 3 N.R.VIJAYALAKSHMI

... PETITIONERS/LEGAL HEIRS OF
DECEASED APPELLANT

Vs

1.YOGALYA MITHRA SANGHAM
KUMBAKONAM TOWN AND MUNSIF,
REP BY ITS PRESIDENT, A.SHANMUGHAM,
AC 126, SHANTHI COLONY,
ANNA NAGAR, CHENNAI 40.

2.MASTER C.V.V.YOGA TRUST,
REP BY ITS TRUSTEE, A.SHANMUGHAM,
AC 126, SHANTHI COLONY, ANNA NAGAR,
CHENNAI 40.

... RESPONDENTS/RESPONDENTS

Prayer in CMP(MD). 7644/ 2018 IN SA No.1081 of 2002 :

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 154 days in setting aside the abatement caused due to the death of sole appellant in the above second appeal and thus render justice.

Prayer in CMP(MD). 7645/ 2018 SA No.1081 of 2002 :

Pleased to set aside the abatement caused due to the death of sole appellant in the above second appeal and thus render justice.

Prayer in CMP(MD). 7646/ 2018 SA No.1081 of 2002 :

Pleased to bring on record the legal heirs of deceased sole appellant / petitioners 1 to 3 and rank them as appellants 2 to 4 in the above second appeal and thus render justice.

**Prayer in SA No.1081 of 2002:-**

To set aside the decree and judgment of the Additional Subordinate Judge, kumbakonam passed in A.S.No.93/2000 dated 20.12.2001 reversing the decree and judgment of the principal District Munsif, Kumbakonam passed in O.S.No.408 of 1995 dated 25.04.2000.

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.R.S.PRABHU, Advocate for the petitioner in all CMPs, and of MR.K.SUGUMARAN, Advocate for the Respondents, the court made the following order:-

These Civil Miscellaneous Petitions have been filed to condone the delay of 154 days in filing the petitions to bring on record the Legal heirs of the deceased sole appellant/N.P.V.Ramamurthy to set aside the order of abatement caused on the death of the sole appellant and to bring on record the legal heirs of the deceased first respondent in the main appeal.

2. Heard both sides. The learned counsel appearing for the respondents 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.1,000/- (Rupees One Thousand only) to the Mediation Centre 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/-
06/12/2018

/ TRUE COPY /

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



TO

1. THE PRINCIPAL DISTRICT MUNSIF,
KUMBAKONAM.

2. THE ADDITIONAL SUBORDINATE JUDGE,
KUMBAKONAM

COPY TO:-

THE CO' ORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.V.K.VIJAYARAGAVAN Advocate SR.No.

ORDER
IN
CMP (MD) No.7644 of 2018
IN
SA No.1081 of 2002
Date :06/12/2018