



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

Monday, the First day of April Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mrs.Justice J.NISHA BANU

**CMP(MD) Nos.3407 to 3412 of 2019
IN CMP(MD)Nos.2488 to 2490 & 2497 to 2499 of 2016
IN MP(MD)No.2 of 2015
in SA(MD) No.SR22881 of 2014**

1 SATTANATHAN
2 SUBRAMANIAN
3 SIVA SUBRAMANIAN

VEERAPATHRA KARAIYALAR (DIED)

4 SRI RENGATHAMMAL
5 JAWAHAR RAMNATH
6 MUTHUSAMY @ MOHAN
7 LAKSHMANAN
8 KANNAN
9 INDIRA
10 MURUGAN

... PETITIONERS/PETITIONERS

Vs

1 SATTANATHA KARAIYALAR TRUST,
THRO ONE OF ITS TRUSTEES VIJAYAN

2 ASHOK
3 PADMANABA KARAIYALAR

SEENI THAI (DIED)

4 HARIDOSS
5 SHANMUGA LATHA
6 SUBRAMANIYA KARAIYALAR
S/O.VAIKUMNDA RAMA KARAIYALAR

SUBRAMANIYA KARAYALAR (DIED)

7 ANDI KARAIYALAR

KARTHICK (DIED)

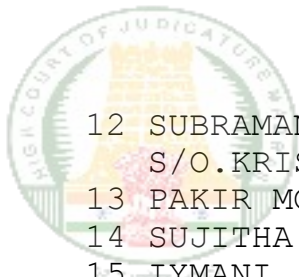
8 SUBRAMANIAN

MOHAN (DIED)

9 JEYANTH

<https://hcservices.ecourts.gov.in/hcservices/>

10 RAVINDARAN
11 SEKAR



12 SUBRAMANIYA KARAIYALAR
S/O.KRISHNASAMY KARAIYALAR
13 PAKIR MOHIDEEN
14 SUJITHA @ SEYITHUN BEGAM
15 IYMANI

... RESPONDENTS/RESPONDENTS
IN ALL THE PETITIONS

16 G.RAJALAKSHMI
17 J.SATTAKUMARI
18 A.BHAGAVATHI MEENA KUMARI
19 A.RAMASRI
20 U.PARVATHA RAJA VARTHINI
21 K.PADMA SHANTHI
22 K.ASWATH

23 MINOR.K.VASUKI
THRO HER MOTHER & GUARDIAN K.PADMASHANTHI

24 M.INDHUMATHI
25 RAJEEV

... RESPONDENTS/PROPOSED 16th TO 25th
RESPONDENTS
in ALL THE PETITIONS

PRAYER in CMP(MD)No.3407/2019:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to order Substituted Service for the Respondent 16 is concerned in C.M.P.No.2488 of 2016 in M.P.No.2 of 2015 in SA(MD)SR.No.22881 of 2014 in Malai Murasu Newspaper in Chennai District and thus render justice.

PRAYER in CMP(MD)No.3408/2019:

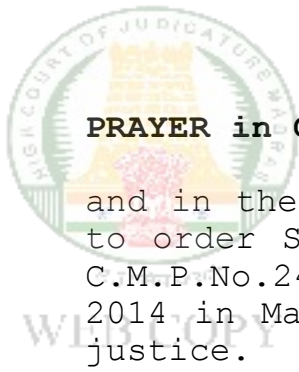
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to order Substituted Service for the Respondent 16 is concerned in C.M.P.No.2489 of 2016 in M.P.No.2 of 2015 in SA(MD)SR.No.22881 of 2014 in Malai Murasu Newspaper in Chennai District and thus render justice.

PRAYER in CMP(MD)No.3409/2019:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to order Substituted Service for the Respondent 16 is concerned in C.M.P.No.2490 of 2016 in M.P.No.2 of 2015 in SA(MD)SR.No.22881 of 2014 in Malai Murasu Newspaper in Chennai District and thus render justice.

PRAYER in CMP(MD)No.3410/2019:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to order Substituted Service for the Respondent 25 is concerned in C.M.P.No.2497 of 2016 in M.P.No.2 of 2015 in SA(MD)SR.No.22881 of 2014 in Malai Murasu Newspaper in Chennai District and thus render justice.



PRAYER in CMP(MD) No.3411/2019:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to order Substituted Service for the Respondent 25 is concerned in C.M.P.No.2498 of 2016 in M.P.No.2 of 2015 in SA(MD)SR.No.22881 of 2014 in Malai Murasu Newspaper in Chennai District and thus render justice.

PRAYER in CMP(MD) No.3412/2019:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to order Substituted Service for the Respondent 25 is concerned in C.M.P.No.2499 of 2016 in M.P.No.2 of 2015 in SA(MD)SR.No.22881 of 2014 in Malai Murasu Newspaper in Chennai District and thus render justice.

Prayer in CMP(MD) . 2488/2016 :

To condone the delay of 3182 days in filing the application to set aside the abatement caused due to the death of the 4th Respondent namely Seenithai in M.P.(MD)No.2 of 2015 in S.A(MD)SR.No.22881 of 2014 on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD) . 2489/2016 :

To set aside the abatement caused due to the death of the 4th Respondent namely Seenithai in M.P.(MD)No.2 of 2015 in S.A.(MD)SR.No.22881 of 2014 on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD) . 2490/2016 :

To bring on record the 16th and 17th respondents herein as Legal Representative of the deceased 4th Respondent namely Seenithai and rank them as 16th and 17th Respondents in M.P.(MD)No.2 of 2015 in SA(MD)SR.No.22881 of 2014 and 16th and 17th Respondents in the main appeal on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD) . 2497/2016 :

To condone the delay of 1604 days in filing the application to set aside the abatement caused due to the death of the 12th Respondent namely Mohan in MP.(MD).No.2/2015 in SA.(MD).SR.No.22881/2014 on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD) .2498/2016 :

To set aside the abatement caused due to the death of the 12th Respondent namely Mohan in MP.(MD).No.2/2015 in SA.(MD).SR.No.22881/2014 on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD) .2499/2016 :

To bring on record the 24th to 25th respondents herein as



Legal Representative of the deceased 12th Respondent namely Mohan and rank them as 24th to 25th respondents in MP.(MD).No.2/2015 in SA.(MD).SR.No.22881/2014 on the file of this Honourable Court and thus render justice.

Prayer in MP(MD).2/2015 in SA(MD).SR22881/2014 :

To condone the delay of 126 days in filing the SA and thus render justice.

Prayer in SA(MD).SR22881/2014:

To Prefer this memorandum of Second appeal against the Judgment and decree dated 30.09.2013 passed in Cross objection in A.S.No.62/2011 on the file of the Principal District Judge, Tirunelveli partly allowing the findings of the judgment and decree dated 30.06.2011 passed in O.S.No.55/2006 on the file of Principal Subordinate Judge, Tenkasi.

ORDER : These petitions coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.T.SELVAN, Advocate for the petitioner in all the petitions, the court made the following order:-

These petitions have been filed by the petitioners seeking permission of this Court to effect substituted service to the respondent Nos.16 and 25.

2.Heard the learned counsel appearing for the parties.

3. Considering the reasons stated in the affidavit filed in support of the petitions, these petitions are ordered and accordingly, the petitioners are permitted to serve notice to the respondent Nos.16 and 25 through substituted service by effecting paper publication in any one of the Tamil Daily newspapers, which is having wide circulation in the locality, by duly indicating the date of next hearing as 23.04.2019.

4.The said exercise shall be completed on or before 12.04.2019 and the proof of paper publication should be filed before the Registry.

5.Post the matter on 23.04.2019 for hearing.

sd/-
01/04/2019

/ TRUE COPY /



TO

1 THE PRINCIPAL DISTRICT JUDGE, TIRUNELVELI

2 PRINCIPAL SUBORDINATE JUDGE, TENKASI.

+1. C.C. to M/S.T.SELVAN Advocate SR.No.5908

ORDER IN

CMP(MD) Nos.3407 to 3412 of 2019

IN CMP(MD)Nos.2488 to 2490 & 2497 to 2499 of 2016

IN MP(MD)No.2 of 2015

IN SA(MD) No.SR22881 of 2014

Date :01/04/2019

gcg

PK/PN/SAR-4/02.04.2019 : 5P/4C