



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

Thursday, the Third day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

**C.M.P (MD) Nos.10583 to 10585 of 2016, 10588 to 10590 of 2016,
10591 to 10593 of 2016, 10598 to 10600 of 2016
in
S.A.No.486 of 2000**

SANKARAPANDI KONAR (DIED) ...APPELLANT(IN SECOND APPEAL)

1.KARUPPIAH,

2 SHANMUGAIAH ... PETITIONERS/PROPOSED APPELLANTS 1& 2
(LRS OF THE APPELLANT)
IN ALL PETITIONS

Vs

1.MUTHUSAMY KARAIYALAR (DIED)

2. ANDI KARAIYALAR (DIED),

3. PADMANABA KARAIYALAR,

4 RAMAIAH KONAR (DIED) ...RESPONDENTS 1 TO 4/RESPONDENTS 1 TO 4

5.SUBRAMANIA KARAIYALAR ...5TH RESPONDENT/PROPOSED 5TH RESPONDENT
LRS OF THE 1ST RESPONDENT

6 SIVASUBRAMANIAN ...6TH RESPONDENT/PROPOSED 6TH RESPONDENT
LRS OF THE 2ND RESPONDENT

7 CHANDRASEKAR

8 KARUPPASAMY ...RESPONDENTS 7 & 8/PROPOSED RESPONDENTS 7 & 8
LRS OF THE 4TH RESPONDENT
IN ALL PETITIONS

PRAYER IN CMP(MD) .NO.10583 OF 2016 IN SA.NO.486 OF 2000:-

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 2062 days in filing the legal heir petition to bring the legal representative of the deceased Ramaiah Konar the 4th respondent in the second appeal.

**Prayer in CMP(MD) . 10584/ 2016 IN SA.NO.486 OF 2000 :**

To set aside the abatement caused due to the death of 4th respondent Ramaiah Konar.

Prayer in CMP(MD) . 10585/ 2016 IN SA.NO.486 OF 2000 :

To bring on record the legal representatives of the deceased Ramaiah Konar the proposed respondents 7 & 8 as respondents 7 and 8 in this second appeal.

Prayer in CMP(MD) . 10588/ 2016 IN SA.NO.486 OF 2000 :

To Condone the delay of 4492 days in filing the legal heir petition to bring the legal representative of the deceased Muthusamy the 1st respondent in the second appeal and thus render justice.

Prayer in CMP(MD) . 10589/ 2016 IN SA.NO.486 OF 2000 :

To set aside the abatement caused due to the death of 1st respondent Muthusamy and thus render justice.

Prayer in CMP(MD) . 10590/ 2016 IN SA.NO.486 OF 2000 :

To bring on record the legal representatives of the deceased Muthusamy the proposed 5th respondent as 5th respondent in this Second Appeal and thus render justice.

Prayer in CMP(MD) . 10591/ 2016 IN SA.NO.486 OF 2000 :

To Condone the delay of 3185 days in filing the legal heir petition to bring the legal representative of the deceased Andi Karayalar the 2nd respondent in the second appeal

Prayer in CMP(MD) . 10592/ 2016 IN SA.NO.486 OF 2000 :

To set aside the abatement caused due to the death of 2nd respondent Andi Karayalar and thus render justice.

Prayer in CMP(MD) . 10593/ 2016 IN SA.NO.486 OF 2000 :

To bring on record the legal representatives of the deceased Andi Karayalar the proposed 6th respondent as 6th respondent in this Second Appeal

Prayer in CMP(MD) . 10598/ 2016 IN SA.NO.486 OF 2000 :

To condone the delay of 2069 days in filing the legal heir petition to bring the legal representatives of the deceased appellant Sankarapandia Konar.

Prayer in CMP(MD) . 10599/ 2016 IN SA.NO.486 OF 2000 :

To set aside the abatement caused due to the death of Sankarapandi Konar the appellant.

Prayer in CMP(MD) . 10600/ 2016 IN SA.NO.486 OF 2000 :

To bring on record the legal representatives of the deceased appellant Sankarapandia Konar, the proposed appellants 1 and 2 in the Second Appeal

**Prayer in SA. 486/ 2000 :**

To prefer this Memorandum of Grounds of Second Appeal against the judgment and decree in A.S.No.66 of 1998 on the file of the Additional Sub Court, Tenkasi, dated 30.07.1999, reversing the judgment and decree in O.S.No.375 of 1993 on the file of the Principal District Munsif Court, Sankarankoil, dated 07.01.1998.

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/S.F.X.EUGENE, Advocate for the petitioner in all petitions and of MR.P.VINOTH FOR R7 & 8 in CMP(MD).NO.10583 TO 10585/2016 IN SA.NO.486/2000 AND MR.P.SUBRAMANIAN FOR R5 IN CMP (MD).NO.10588 TO 10590/2016 AND R6 IN CMP(MD).NO.10591 TO 10593/2016 IN SA.NO.486/2000 AND R3 IN CMP(MD).NO.10598 TO 10600/16 IN SA.NO.486/2000 AND Fourth Respondent not appeared either in person or by an advocate in CMP(MD).NO.10598 TO 10600/2016 IN SA.NO.486/2000, the court made the following order:-

These applications had been filed since the appellant Sankarapandi Konar and the first respondent Muthusamy Karayalar, the second respondent Aandi Karaiyalar and the fourth respondent Ramaiah Konar died in S.A.No.486 of 2000.

2.The appellant has filed C.M.P(MD) Nos.10588 to 10590 of 2016 in S.A.No.486 of 2000 to condone the delay of 4492 days, to set aside the abatement and bring on record the legal representatives of the deceased first respondent in Second Appeal.

3.The appellant has filed C.M.P(MD) Nos.10583 to 10585 of 2016 in S.A.No.486 of 2000 to condone the delay of 2062 days in filing the similar applications in relation to the death of the fourth respondent in Second Appeal.

4.The appellant has filed C.M.P(MD) Nos.10591 to 10593 of 2016 with respect to the delay of 3185 days, filed similar applications owing to the death of the second respondent in Second Appeal.

5.The appellant has filed C.M.P(MD) Nos.10598 to 10600 of 2016, to condone the delay of 2069 days, to set aside the abatement and to bring on records the legal representatives of the deceased appellant/Sankarapandi Konar.

6.Heard both sides. The learned counsel appearing for the respondents have no strong objection in allowing these petitions.

7.Considering the reasons stated in the affidavits filed in support of these petitions and in the interest of justice, these petitions are allowed on payment of Rs.12,000/- (Rupees Twelve Thousand only) to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry), within a period of two weeks 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/-
03/01/2019

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/ TRUE COPY /

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

TO

1. THE ADDITIONAL SUBORDINATE JUDGE,
TENKASI.

2. THE PRINCIPAL DISTRICT MUNSIF,
SANKARANKOVIL.

COPY TO:

THE SECTION OFFICER,
(CHIEF JUSTICE RELIEF FUND),
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

C.M.P(MD) Nos. 10583 to 10585 of 2016,
10588 to 10590 of 2016, 10591 to 10593 of 2016,
10598 to 10600 of 2016

in

S.A.No. 486 of 2000

Date : 03/01/2019

AE/JC/SAR4/25.01.2019/4P/4C