



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

Tuesday, the Twelfth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mrs.Justice R.HEMALATHA

C.M.P. (MD) Nos.2430 to 2432 of 2016
in
S.A.No.1332 of 2003

K.S.ANNAPOORANI BAI

... PETITIONER/APPELLANT
IN ALL THE PETITIONS

Vs

1 SUBRAMANIAN
2 VAIRAVAN (DIED)
3 KULALAMANI (DIED)
4 NAGARAJAN (DIED)
5 RAJAMANI (DIED)
6 GANDHI BAI
7 RAMACHANDRAN
8 VAIDYALINGAM (DIED)
9 B.KALAVATHY
10 K.VASANTHI
11 R.SATHEESH KUMAR

... RESPONDENTS 9 TO 11/(LR OF R5)
IN ALL THE PETITIONS

12 V.NAGENDRAN
13 R.GOMATHI
14 R.VALIAMMAL
15 R.KAMALAM

... PROPOSED RESPONDENTS 12 TO 15/
(LEGAL REPRESENTATIVES OF 2nd RESPONDENT)
IN ALL THE PETITIONS

16 R.KRISHNAMMAL
17 K.SANKARI

... PROPOSED RESPONDENTS 16 & 17/
(LEGAL REPRESENTATIVES OF 8th RESPONDENT)
IN ALL THE PETITIONS

18 KAMALA
19 N.SANKAR

... RESPONDENTS 18 & 19/
PROPOSED RESPONDENTS 18 & 19 (LR of R4)
IN ALL THE PETITIONS

Prayer in CMP(MD). 2430/ 2016 :

To condone the delay of 533 days in filing the application
to set aside the abatement caused due to the death of 4th respondent
in S.A.No.1332 of 2003 on the file of this Honourable Court and thus
render justice.



Prayer in CMP(MD). 2431/ 2016 :

To set aside the abatement caused due to the death of 4th respondent in S.A.No.1332 of 2003 on the file of this Honourable court and thus render justice.

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Prayer in CMP(MD). 2432/ 2016 :

To bring on record the respondents 18 and 19 herein as legal representatives of the deceased 4th respondent as the proposed respondents 18 and 19 in S.A.No.1332 of 2003 on the file of this Honourable Court and thus render justice.

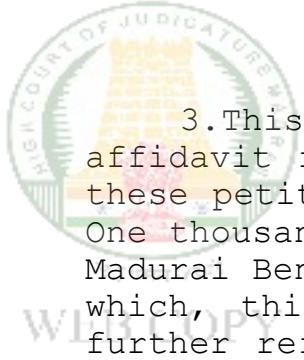
Prayer in SA No.1332 of 2003:

To set aside the Judgments and Decree dated 28.03.2003 made in A.S.No.91/2000 on the file of the Court of I Additional subordinate Judge, Nagercoil, reversing the Judgment and Decree dated 14.10.1998 made in O.S.No.1055/85 on the file of the Court of II Additional District Munsif, Nagercoil and allow this Second Appeal with cost and thus render justice.

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.K.GOVINDARAJAN, Advocate for the petitioner in all the petitions and of MR.T.S.R.VENKATRAMANA, Advocate for R1 and MR.G.RAMANATHAN, Advocate for R6, R18 & R19 and MR.T.ARUL, Advocate for R7 and MR.M.P.SENTHIL, Advocate for R9 to R11, the court made the following order:-

These applications are filed (i) to condone the delay of 533 days caused in filing the application to set aside the abatement caused due to death of fourth respondent in the second appeal, (ii) to set aside the abatement caused due to death of fourth respondent in the second appeal and (iii) to bring the respondents 18 and 19 on record as the legal representatives of the deceased fourth respondent and rank them as the respondents 18 and 19 in the second appeal.

2.No serious objections were placed on the side of the respondents.



3. This Court is satisfied with the reasons assigned in the affidavit filed in support of the petitions. In view of the same, these petitions are allowed on payment of cost of Rs.1000/- (Rupees One thousand only) to the Tamil Nadu State Legal Services Committee, Madurai Bench of Madras High Court, on or before 22.02.2019, failing which, this petition shall stand dismissed automatically, without further reference to this Court. The Registry is directed to make necessary amendment in the second appeal and list the matter on 22.02.2019.

sd/-
12/02/2019

/ TRUE COPY /

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

TO

1 THE I ADDITIONAL SUBORDINATE JUDGE,
NAGERCOIL.

2 THE II ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.

COPY TO:

1 THE CHIEF CO-ORDINATOR,
TAMIL NADU STATE LEGAL SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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

ORDER
IN
C.M.P. (MD) Nos.2430 to 2432 of 2016
in
S.A.No.1332 of 2003
Date :12/02/2019

JM/PN/SAR 2/19.02.2019/3P/5C