



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

Tuesday, the Twenty Sixth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CMP(MD) Nos.2589 AND 2590 of 2019

IN

SA(MD) No.361 of 2009

1 ARUMUGAM (DIED)

2.RAKKAMMAL

3 RAMA KRISHNAN

4 BANUMATHI

5 JEEVANDAM

6 P.RADHA LAKSHMI

7 VENTHAMARAISELVI

... PETITIONERS/APELLANTS
IN BOTH THE PETITIONS

Vs

1 SOUNDARAMMAL (DIED)

2.VELLAICHAMY (DIED)

3.RUKMANI

4 NAGAJOTHI

5 KALIDASAN

... RESPONDENTS/RESPONDENTS 1 to 5
IN BOTH THE PETITIONS

6 SUSEELA

7 SENTHIL

8 RAMU

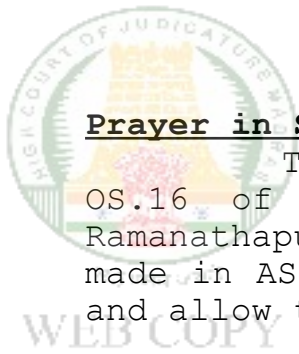
... RESPONDENTS / PROPOSED RESPONDENTS
6 to 8
IN BOTH THE PETITIONS

Prayer in CMP(MD). 2589/ 2019 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order to set aside abatement due to death caused to 2nd Respondent and thus render justice.

Prayer in CMP(MD). 2590/ 2019 :

To pass an order to bring on record the proposed respondent as the legal representative of deceased 2nd respondent and rank them as Respondents 6 to 8 in Second Appeal in SA.No.361 of 2009 and thus render justice.

**Prayer in SA(MD) . 361/ 2009 :**

To set aside the Judgment and decree 27.03.2008 made in OS.16 of 2002 on the file of the District Munsif Court at Ramanathapuram confirmed by Judgment and decree dated 23.01.2009 made in AS.52 of 2008 on the file of the Sub Court, Ramanathapuram, and allow the present Second Appeal 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.M.V.VENKATASESHAN, Advocate for the petitioner in both the petitions, and of MR.K.N.THAMPI, Advocate for R3 to R5, in both the petitions, the court made the following order:-

Today when the appeal is taken up for hearing, the learned counsel appearing for the appellants and respondents are present.

2.The learned counsel appearing for the appellants made a representation that as of now the details of the death in respect to the second defendant was obtained by him. Further, he mentioned that he collected the details of the legal heirs of the deceased second defendant. He has specifically stated that the second defendant was died on 03.10.2018. So, he wanted to file a petition to set aside abatement caused due to death of the second respondent, for which he prayed to withdraw the petitions already filed in C.M.P (MD) Nos.2589 and 2590 of 2019.

3.Considering the facts and circumstances of the case, it is necessary to file an application to implead the legal heirs of the second defendant along with the application to condone the delay to set aside the abatement caused due to death of the second respondent. Hence, the appellants are permitted to withdraw C.M.P (MD) Nos.2589 and 2590 of 2019 with liberty to file a fresh application.

4.Post the Second Appeal on 16.04.2019.

sd/-
26/03/2019

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

TO

1 THE DISTRICT MUNSIF, RAMANATHAPURAM

2 THE SUBORDINATE JUDGE, RAMANATHAPURAM

ORDER IN
CMP(MD) No.2589 of 2019 IN
SA(MD) No.361 of 2009
Date :26/03/2019