



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Seventeenth day of September Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) Nos.3425 to 3427 of 2019

IN

SA(MD) No.516 of 2013

MAHABOOB BIBI

... PETITIONER/APELLANT
IN ALL THE PETITIONS

Vs

1 K.PALANISUPPU

2 R.NANDAGOPAL

3 ETHIRAJAM(DIED)

4 GOVINDAMMAL

5 MUTHU BIBI @ SHEIK SULTHANBIBI

6 I.SULTHAN AMARDEEN

7 ASIA AMMAL

8 PARIS BEGAM ...RESPONDENTS/RESPONDENTS/2 TO 9 DEFENDANTS
IN ALL THE PETITIONS

9 LATHA

10 KRISHNAVENI

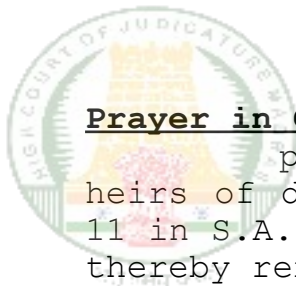
11 G.SUGUMAR ... RESPONDENTS 9 TO 11/PROPOSED RESPONDENTS 9 TO 11
IN ALL THE PETITIONS

Prayer in CMP(MD)No. 3425/ 2019 :

pleased to condone the delay of 695 days in filing the petition to set aside the abatement caused due to the death of the 3rd respondent in Ethirajam S.A.(MD)No.516 of 2013 and pass such other suitable orders and thereby render justice.

Prayer in CMP(MD)No. 3426/ 2019 :

pleased to set aside the abatement caused due to the death of the 3rd respondent in Ethirajam S.A.(MD)No. 516 of 2013 and pass such other suitable orders and thereby render justice.



Prayer in CMP(MD)No. 3427/ 2019 :

pleased to bring on record the respondents 9 to 11/legal heirs of deceased 3rd respondent and rank them as respondents 9 to 11 in S.A.(MD)No.516 of 2013 and pass such other suitable orders and thereby render justice.

PRAYER IN SA(MD) No.516 of 2013

Pleased to call for the records and set aside the judgment and decree dated 18.09.2012 in A.S.No.47 of 2010 on the file of the Principal Subordinate Judge, Dindigul modifying Judgment and Decree dated 23.08.2006 in O.S.No.175 of 1997 on the file of the District Munsif cum Judicial Magistrate, Vedsanthur and allow this Second appeal with costs throughout and thereby render justice.

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.LAKSHMI SHANKAR, Advocate for the petitioner in all the Petitions, and of Mr.S.Anand Chandrasekar, Advocate for M/s.Sarvabhauman Associates for R1, R2 & R4 in all the Petitions, and No appearance either in person or by an Advocate for R5 to R8 in all the Petitions, the court made the following order:-

C.M.P(MD)No.3425 of 2019 has been filed by the petitioner seeking to condone the delay of 695 days in filing a petition to set aside the abatement caused due to the death of 3rd respondent in the above second appeal.

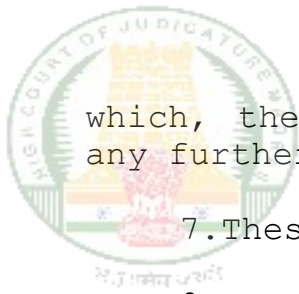
2.C.M.P(MD)No.3426 of 2019 has been filed by the petitioner seeking to set aside the abatement caused due to the death of the 3rd respondent in the above second appeal.

3.C.M.P(MD)No.3427 of 2019 has been filed by the petitioner seeking to bring on record the respondents 9 to 11 therein, as the legal heirs of the 3rd respondent in the above second appeal.

4.Despite notice being served on the respondents 5 to 8 and their names are being printed in the cause list, there is no representation on behalf of them either in person or through Counsel.

5.Heard the learned counsel appearing for the petitioner as well as respondents 1, 2 and 4.

6.Considering the reasons stated in the affidavits filed in support of the petitions and also considering the length of delay, this Court is inclined to allow these petitions subject to the payment of cost of Rs.1,000/- (Rupees one thousand only) to the Legal Services Committee, attached to this Bench within a period of one week from the date of receipt of copy of this order, failing



which, these petitions shall stand dismissed automatically without any further reference to this Court.

7. These petitions are accordingly ordered.

8. In the event of payment of cost, Registry is directed to carry out necessary amendment in the main second appeal.

sd/-
17/09/2019

/ TRUE COPY /

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

TO

1. The Principal Subordinate Judge, Dindigul
2. The District Munsif cum Judicial Magistrate,
Vedasanthur

Copy To:

1. The Co-Ordinator,
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
CMP (MD) Nos.3425 to 3427
of 2019
IN
SA(MD) No.516 of 2013
Date :17/09/2019

SMN
ES/PN/SAR 3/20.09.2019/3P/5C