



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

Wednesday, the Twenty Third day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMP(MD) Nos.5869 to 5871 of 2018
in
SA.NO.1643 of 2001

1.KATHIRMALAI

...1st APPELLANT

2 SANKAR MOOPAN (DIED)

3 ADAKKAI

4 SARVANANTHAN

5 SIVANANTHAN

... RESPONDENTS 3 TO 5/LRS OF
DECEASED 2ND APPELLANT
IN ALL PETITIONS

Vs

1 MARUTHAMBAL (DIED)

2 MARUTHIYA PILLAI

3 N.DHANAPAL

4 N.SAKTHIVEL

5 N.THILOTHAMMAL

6 N.RAJAMAHESWARI

...2ND RESPONDENT/2ND RESPONDENT
... RESPONDENTS 3 TO 6 3RD PARTIES/
LRS OF THE DECEASED OF THE 1ST RESPONDENT
IN ALL PETITIONS

PRAYER IN CMP(MD).NO/5869 OF 2018 IN SA.NO.1643 OF 2001:-

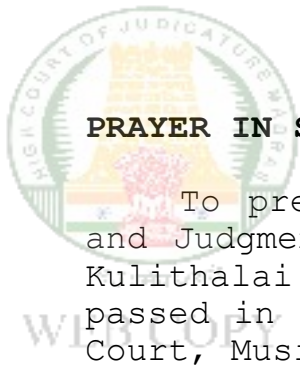
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 4665 days in filing the petition to set aside the abatement of proceedings as against the 1st respondent and thus render justice.

Prayer in CMP(MD). 5870/ 2018 IN SA.NO.1643 OF 2001 :

Pleased to set aside the abatement of proceedings as against the 1st respondent and thus render justice.

Prayer in CMP(MD). 5871/ 2018 IN SA.NO.1643 OF 2001 :

Pleased to bring on the proposed party / respondents 3 to 6 in S.A.No.1643 of 2001 and pass such further order as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

**PRAYER IN SA.NO.1643 OF 2001:-**

To prefer this Memorandum of Second Appeal against the decree and Judgment passed in A.S.No.309/95 on the file of the Sub-Court, Kulithalai dated 25.09.1999 setting aside the decree and judgment passed in O.S.No.16/88 dated 11.01.1992 on the file District Munsif Court, Musiri.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.V.ILLANCHEZIAN, Advocate for the petitioners in all petitions and of MR.ASHOK KUMAR, Advocate for R3 in all petitions, the court made the following order:-

These petitions have been filed praying to condone the delay of 4665 days in filing the petition to set aside the abatement of proceedings as against the 1st respondent, to set aside the abatement of proceedings as against the 1st respondent and also to bring on the proposed party/respondents 3 to 6 in the main appeal.

2.Heard both sides.

3.The learned counsel appearing for the 3rd respondent has no objection for allowing these petitions. No representation for the 2nd respondent.

4.In view of the same and also 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.3000/-[Rupees Thousand only] to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry), within a period of one week 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/-
23/01/2019

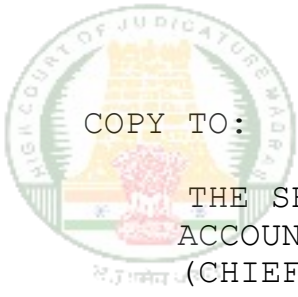
/ TRUE COPY /

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

TO

1.THE DISTRICT MUNSIF,
MUSIRI.

<https://hcservices.ecourts.gov.in/hcservices/>
2.THE SUBORDINATE JUDGE,
KULITHALAI.



COPY TO:

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

+1. C.C. to MR.V.ILLANCHEZIAN Advocate SR.No.1310

ORDER
IN
CMP(MD) Nos.5869 to 5871 of 2018
in
SA.NO.1643 of 2001
Date :23/01/2019

TK/JC/SAR-III/26.02.2019/3P/5C