



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

Friday, the Eleventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMP(MD) Nos.11593 to 11598 of 2018

IN

SA(MD) No.1694 of 1995

AND

CMP(MD) Nos.11599 to 11604 of 2018

IN

SA(MD) No.58 of 1996

ARUMUGA NADAR (DIED)

... NIL/SOLE APPELLANT
IN ALL THE PETITIONS

1 ATHISAYAMANI
2 SELVAKUMARI
3 PETCHIAMMAL
4 KRISHNAMOORTHY

... PETITIONERS/APPELLANTS
IN ALL THE PETITIONS

Vs

1 CHINNADURAI (DIED)
S/O.KANDASWAMY NADAR

2 SHANMUGHAVEL (DIED)
S/O.KANDASWAMY NADAR,

3 SAROJA

4 CHITTARAI KANI (DIED)
W/O.KANDASWAMY NADAR

... RESPONDENTS 1 to 4/
RESPONDENTS 1 to 4
IN ALL THE PETITIONS

5 SHANMUGAKANI
6 KAVITHA
7 ANNALAKSHMI
8 SELVALAKSHMI
9 ESAKKIPADI

... RESPONDENTS 5 to 9/ PROPOSED
RESPONDENTS 5 to 9
IN ALL THE PETITIONS

10 MURUGESWARI
11 TAMILSELVI
12 BANUPRIYA
13 PAVITHRA

... RESPONDENTS 10 to 13/ PROPOSED
RESPONDENTS 10 to 13
IN ALL THE PETITIONS



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 548 days in seeking to set aside the abatement caused by deceased Chinnadurai the 1st respondent in the above Second Appeal No.1694 of 1995 and thus render justice.

PRAYER IN CMP(MD) Nos.11594 of 2018 IN SA(MD) No.1694 of 1995

To set-aside the abatement caused by deceased Chinnadurai the 1st respondent in the above Second Appeal No.1694 of 1995 and thus render justice.

PRAYER IN CMP(MD) Nos.11595 of 2018 IN SA(MD) No.1694 of 1995

To bring on record of the 5 to 9 respondents herein who are the Legal Representatives of the deceased Chinnadurai the 1st respondent in the Second Appeal No. 1694 of 1995 in the above Second Appeal.

PRAYER IN CMP(MD) Nos.11596 of 2018 IN SA(MD) No.1694 of 1995

To condone the delay of 3502 days in seeking to set-aside the abatement caused by deceased Shanmugavel the 2nd respondent in the above Second Appeal No.1694 of 1995 and thus render justice.

PRAYER IN CMP(MD) Nos.11597 of 2018 IN SA(MD) No.1694 of 1995

To set-aside the abatement caused by deceased Shanmugavel the 2nd respondent in the above Second Appeal No.1694 of 1995 and thus render justice.

PRAYER IN CMP(MD) Nos.11598 of 2018 IN SA(MD) No.1694 of 1995

To bring on record of the 10 to 13 respondents herein who are the Legal Representatives of the deceased Shanmughavel the 2nd respondent in the Second Appeal No. 1694 of 1995 in the above Second Appeal.

Prayer in SA(MD) No. 1694 of 1995

To prefer this Memorandum of Second Appeal against the Judgment and Decree of the Learned Subordinate Judge, Thoothukudi made in A.S.No. 190 of 1989, dated 11.01.1995 reversing the Judgment and Decree of the Learned District Munsif, Srivaigundam, made in O.S.No. 507 of 1982 dated 30.08.2009.

Prayer in CMP(MD). 11599/ 2018 IN SA(MD) No.58 of 1996 :

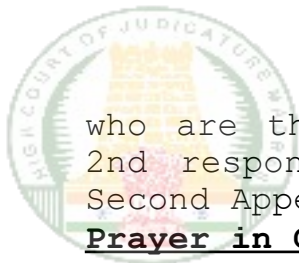
Pleased to condone the delay of 548 days in seeking to set aside the abatement caused by deceased Chinnadurai the 2nd respondent in the above Second Appeal No.58 of 1996 and thus render justice.

Prayer in CMP(MD). 11600/ 2018 IN SA(MD) No.58 of 1996 : :

Pleased to set- aside the abatement caused by deceased Chinnadurai the 2nd respondent in the above Second Appeal No.58 of 1996 and thus render justice.

Prayer in CMP(MD). 11601/ 2018 IN SA(MD) No.58 of 1996 : :

Pleased to bring on record of the 5 to 9 respondents herein



who are the legal representatives of the deceased Chinnadurai the 2nd respondent in the Second Appeal No.58 of 1996 in the above Second Appeal and thus render justice.

Prayer in CMP(MD). 11602/ 2018 IN SA(MD) No.58 of 1996 ::

Pleaded to condone the delay of 3502 days in seeking to set aside the abatement caused by deceased Shanmughavel the 4th respondent in the above Second Appeal No.58 of 1996 and thus render justice.

Prayer in CMP(MD). 11603/ 2018 IN SA(MD) No.58 of 1996 : :

Pleaded to set aside the abatement caused by deceased Shanmughavel the 4th respondent in the above Second Appeal No.58 of 1996 and thus render justice.

Prayer in CMP(MD). 11604/ 2018 IN SA(MD) No.58 of 1996 : :

Pleaded to bring on record of the 10 to 13 respondents herein who are the legal representatives of the deceased Shanmughavel the 4th respondent in the Second Appeal No.58 of 1996 in the above Second Appeal and thus render justice.

Prayer in SA(MD)No. 58 of 1996

To prefer this Memorandum of Second Appeal against the Judgment and Decree of the Learned Subordinate Judge, Thoothukudi made in A.S.No. 191 of 1989 dated 11.01.1995 reversing the Judgment and Decree of the Learned District Munsif, Srivaigundam, made in O.S.No. 481 of 1982 dated 30.08.2009.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.N.TAMILMANI, Advocate for the petitioner, in all the petitions and of MR.K.C.RAMALINGAM, Advocate for R5 to R13, in all the petitions, the court made the following order:-

Heard both sides.

2. Considering the submissions made by both sides, these petitions are allowed on payment of cost of Rs.1,000/- for each petition totally Rs.12,000/- [Rupees Twelve Thousand Only] to the credit of the Hon'ble Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry), on or before 27.01.2019.

3.The Registry is directed to carry out the necessary amendment and post the main cases on 28.01.2019.

sd/-

11/01/2019

/ TRUE COPY /



TO

- 1 THE SUBORDINATE JUDGE, THOOTHUKUDI
- 2 THE DISTRICT MUNSIF, SRIVAIGUNDAM,
THOOTHUKUDI DISTRICT

COPY TO:- 1. THE SECTION OFFICER,
ACCOUNTS SECTION,
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.11593 to 11598 of 2018 IN
SA(MD) No.1694 of 1995 AND

CMP(MD) Nos.11599 to 11604 of 2018 IN
SA(MD) No.58 of 1996

Date :11/01/2019

MSI/VR/SAR-IV/25.01.2019-4P/5C