



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

Thursday, the Fourteenth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice R.HEMALATHA

CMP(MD) Nos.8649 to 8651 of 2018

IN

SA(MD) No.946 of 2006

K.MARUDHU ACHARI (DIED)

1 M.RAVI

2 K.PUSPALATHA

3 M.RANI

4 M.VENKATESH

5 M.RAMESH

... PETITIONERS/PROPOSED APPELLANTS
IN ALL THE PETITIONS

Vs

1 S.D.ANNAMALAI (DIED)

2 AT.K.R.VELLAIYAPPA CHETTIAR

3 V.R.CHINNATHAMBI CHETTIAR

4 S.N.K.R.ADHAPPA CHETTIAR

5 KARUNANITHI

6 NATARAJAN

... RESPONDENTS/RESPONDENTS
IN ALL THE PETITIONS

Prayer in CMP(MD).8649/2018 :

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 870 days in filing the above application and thus render justice.

Prayer in CMP(MD).8650/2018 :

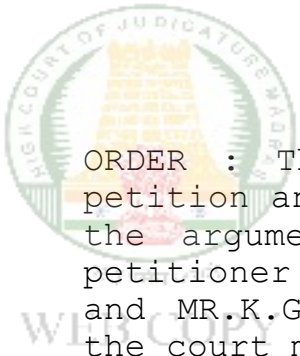
To set aside the abatement of the appellant and thus render justice.

Prayer in CMP(MD).8651/2018 :

To bring on record the 1 to 5 in the above second appeal as the legal heris of the appellant and thus render justice.

Prayer in SA(MD)No.946/2006:

To prefer this Memorandum of Second Appeal against the judgment and decree of the learned District Judge, Sivagangai dated 24.11.94 passed in A.S.No.41 of 94 allowing the appeal reversing the decree and judgment of the District Munsif, Sivagangai in O.S.No.42 of 1987 dated 22.02.1994 for the following among other.



ORDER : These petitions coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.P.SANKARAKUMARAKURUPARAN, Advocate for the petitioner in all he petitions and of MR.V.THIRUMAL, Advocate for R1 and MR.K.GOVINDARAJA, Advocate for R5 & R6 in all the petitions, the court made the following order:-

These applications are filed (i) to condone the delay of 870 days in filing the application to set aside the abatement caused due to death of sole appellant in the second appeal, (ii) to set aside the abatement caused due to death of sole appellant in the second appeal and (iii) to bring the appellants 1 to 5 on record as the legal representatives of the deceased appellant and rank them as the appellants 1 to 5 in the second appeal.

2.No serious objections were placed on the side of the respondents 1, 5 and 6 and no appearance on behalf of the respondents 2 to 4.

3.This Court is satisfied with the reasons assigned in the paragraph Nos.3, 4 and 5 in the affidavit filed in support of the petitions. In view of the same, these petitions are allowed. The Registry is directed to make necessary amendment in the second appeal and list the matter on 12.03.2019, under the caption for "final hearing".

sd/-
14/02/2019

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

TO

1.THE DISTRICT MUNSIF, SIVAGANGAI

2.THE DISTRICT JUDGE, SIVAGANGAI

ORDER IN
CMP(MD) Nos.8649 to 8651 of 2018
IN SA(MD) No.946 of 2006
Date :14/02/2019

VSG
PK/JC/SAR-1/27.02.2019 : 2P/3C