



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

Friday, the Twenty Ninth day of November Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.9548, 9549 & 9550 of 2016

IN

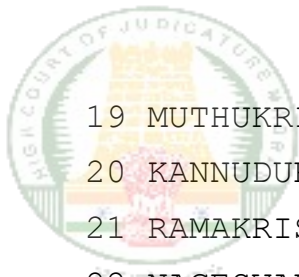
SA(MD) No.470 of 2013

M.NAGENDRAN

... PETITIONERS / APPELLANTS
in all petitions

Vs

- 1 RAMACHANDRAN (DIED)
2. SUBRAMANIAN
- RAKKU (DIED)
3. PAPPA
- 4 SETHURAJAN (DIED)
- SUBRAMANIAM (DIED)
- 5 KRISHNAMOORTHY (DIED)
- 6 PAPPA
- 7 KALAVATHI
- 8 INDIRANI
- 9 CHINNAPONNU
- 10 GOPINATHAN
- KAMATCHIAMMAL (DIED)
11. BALAMURUGAN
- 12 KALIPANDIAN
- 13 KAMESWARI
- 14 NAGASUNDARAM
- 15 GANESAN
- 16 POOSADURAI
- 17 INIYAMURUGAN
- 18 RAMACHANDRAN



19 MUTHUKRISHNAN

20 KANNUDURAI

21 RAMAKRISHNAN

22 NAGESWARI

23 LATHA

24 PALAMMAL

... RESPONDENTS 1 to 24 / RESPONDENTS
in all petitions

25 KAMESHWARI

26 BASKARA PANDIAN

27 GAJENDRA PANDIAN

... RESPONDENTS 25 to 27 / PROPOSED
RESPONDENTS 25 to 27 /
LRs OF THE DECEASED 1st RESPONDENT
in all petitions

28 HARIHARAN

29 REVATHI

30 SANKAR

31 MAHESWARI

32 SELVI

... RESPONDENTS 28 to 32 / PROPOSED
RESPONDENTS 28 to 32 /
LRs OF THE DECEASED 4th RESPONDENT
in all petitions

33 VIJAYALATHA

34 SAKTHIVEL RAJAN

35 GOWTHAMA GANESHAN

... RESPONDENTS 33 to 35 / PROPOSED
RESPONDENTS 33 to 35 /
LRs OF THE DECEASED 5th RESPONDENT
in all 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 1051 days to setaside the abatement caused against the deceased 4th respondent in the above S.A.No.470/2013.

Prayer in CMP(MD) . 9549/ 2016 :

To setaside the abatement of appeal as against the 4th respondent for bringing the legal heirs of the deceased 4th respondent.

<https://hcservices.ecourts.gov.in/hcservices/>



Prayer in CMP(MD) . 9550/ 2016 :

To bring on record the respondent 28 to 32 who are the legal heirs of the deceased 4th respondent as the legal representatives of the deceased 4th respondent and rank them as respondents 28 to 32 in the above second appeal.

Prayer in SA(MD) . 470/ 2013 :

To allow the Second Appeal and set aside the judgment and decree passed in A.S.No.13 of 2008 on the file of the Sub Court, Paramakudi dated 03.12.2012 confirming the judgment and decree dated 04.01.2008 passed in O.S.No.134 of 2005 on the file of the District Munsif, Paramakudi.

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. V.RAMAKRISHNAN, Advocate for the petitioner and of Mr.D.SASIKUMAR, Advocate for RR26 & 27 and None appeared for RR25 & 28 to 32 the court made the following order:-

Heard.

2.C.M.P(MD)Nos.9548, 9549 and 9550 of 2016 have been filed by the petitioner seeking to condone the delay of 1051 days in filing a petition to set aside the abatement caused due to the death of the fourth respondent; to set aside the abatement and to bring on record the respondents 28 to 32 therein, as the legal representatives of the deceased fourth respondent in the above second appeal.

3.Despite notice being served on the respondents 25 and 28 to 32 and their names are being printed in the cause list, there is no representation on behalf of them either in person or through counsel.

4. Heard the learned counsel for the respondents 26 and 27.



5.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.2,000/- (Rupees two 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.

6.These petitions are accordingly ordered.

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

sd/-
29/11/2019

/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE, PARAMAKUDI.

2 THE DISTRICT MUNSIF, PARAMAKUDI.

Copy to:

THE AUTHORIZED OFFICER,
LEGAL SERVICE COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.RAMAKRISHNAN, Advocate (SR-20930[I] 29/11/2019)

ORDER
IN
CMP (MD) No.9548, 9549 & 9550 of 2016
IN
SA(MD) No.470 of 2013
Date :29/11/2019