



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

Monday, the Twenty First day of September Two Thousand Twenty
PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU
C.M.P. (MD) .Nos.460 to 462 of 2020

in

S.A.No.1702 of 2000

- 1.THAYARAMMAL (DIED)
Represented by LRs
- 2 VASANTHA
- 3 NARAYANASAMY
- 4 SANTHI
- 5 SASIKALA
- 6 PARTHEEBAN

... PETITIONERS/APELLANTS
IN ALL THE PETITIONS

Vs

- 1.PALANIAPPA GOUNDER (DIED)
- 2 SUBRAMANI
- 3 BALASUBRAMANI

... RESPONDENTS/LRs OF DECEASED
1st RESPONDENT
IN ALL THE PETITIONS

Prayer in CMP(MD). 460 of 2020 :

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 4935 days in filing the petition to set aside the abatement caused due to the death of the sole respondent in the above S.A.No.1702 of 2000.

Prayer in CMP(MD). 461 of 2020 :

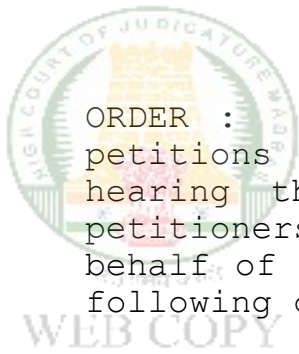
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the abatement caused due to the death of the sole respondent in the above S.A.No.1702 of 2000.

Prayer in CMP(MD). 462 of 2020 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to bring on record the respondents 2 and 3 herein as the legal representatives of the deceased sole respondent and rank them as respondents 2 and 3 in the above S.A.No.1702 of 2000.

PRAYER IN SA No.1702 of 2000:

Second Appeal filed under Section 100 of C.P.C, against against the Judgment and decree dated 08.11.1994 and made in A.S.No.62 of 1992 on the file of Sub Court, Karur, reversing the judgment and decree dated 26.02.1990 in O.S.No.279 of 1986 on the file of Principal District Munsif, Kulithalai.



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. P.THIIYAGARAJAN, Advocate for the petitioners in all the petitions and of Mr.K.PRABHAKAR, Advocate on behalf of the Respondents in all the petitions, the court made the following order:-

These petitions have been filed by the petitioners/appellants praying to condone the delay of 4935 days in filing a petition to set aside the abatement caused due to the death of the sole respondent; to set aside the abatement; and to bring on record the proposed respondents 2 and 3 herein as the legal heirs of the sole respondent and to rank them as respondents 2 and 3 in the appeal respectively.

2. The learned counsel appearing for the respondents has no objection in allowing these petitions.

3. Considering the above and also considering the reason stated in the affidavit filed in support of the petitions and length of delay, this Court is inclined to allow these petitions subject to the payment of cost of Rs.1,500/- (Rupees one thousand and five hundred only) to the Legal Services Committee, attached to this Bench, within a period of two weeks from the date of receipt of a copy of this order, failing which these petitions shall stand dismissed automatically without any further reference to this Court.

4. These petitions are accordingly ordered.

sd/-

21/09/2020

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

TO

1. THE PRINCIPAL DISTRICT MUNSIF, KULITHALAI
2. THE SUBORDINATE JUDGE, KARUR.

COPY TO: THE AUTHORISED OFFICER,
LEGAL SERVICES COMMITTEE
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
C.M.P. (MD). Nos. 460 to 462 of 2020
in
S.A.No.1702 of 2000
Date : 21/09/2020

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