



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

Wednesday, the Twenty Third day of September Two Thousand Twenty

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PRESENT

The Hon'ble Mrs.Justice J.NISHA BANU

C.M.P (MD) Nos.1354, 1358 and 1359 of 2020
in
S.A.No.373 of 1997

1 Y.CHINNATHANGAM (DIED)

2 MARY STELLA ROSELIN

3 JAMES CARMEL PAULRAJ (DIED)

4 DAISY METILDA

5 S.JOSEPH SELVARAJ

6 DELPHIN QUORETTEE

... PETITIONERS 2-6/
APPELLANTS 4-8

7 G.VERONIKAM

8 BRINDHA MERIN

... PETITIONERS 7&8/
PROPOSED APPELLANTS 9&10
(LRs OF 5th APPELLANT)
IN ALL THE PETITIONS

Vs

1 MARY ANGEL

2 MARIAMMAL

... RESPONDENTS 1&2/APPELLANTS 2&3
IN ALL THE PETITIONS

3 Y.THERESAMMAL

4 A.SWAMIDHAS

5 STHANISLAUS

6 MARIA THANGAM

7 S.VINCENT RAJ

8 S.ARULDHASAN

9 MARIA PUSHPAM

10 PONNAMMAL

11 WILSON

12 NELSON

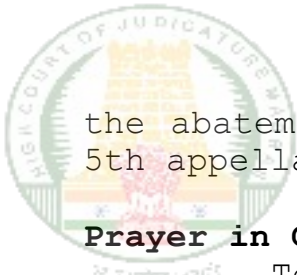
13 ALSON SABITHA RAJ

14 CELESTI BAI

... RESPONDENTS 3-14/RESPONDENTS 1-12
IN ALL THE PETITIONS

Prayer in CMP(MD)No.1354/2020 :

<https://hcservices.ecourts.gov.in/hcservices/>
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 532 days in filing the petition to set aside



the abatement caused due to the death of James Carmel paulraj, the 5th appellant in the above Second Appeal.

Prayer in CMP(MD)No.1358/2020 :

To set aside the abatement caused due to the death of James Carmel paulraj the 5th appellant in the above Second Appeal.

Prayer in CMP(MD)No.1359/2020 :

To bring on record the petitioners 7 to 8 herien the legal heirs of deceased 5th appellant as appellants 9 to 10 in the above Second Appeal.

Prayer in S.A.No.373 of 1997:

Second Appeal against the Judgment and decree of learned Principal District Judge, Kanyakumari District at Nagercoil in A.S.No.18 and 20 of 1993 dated 15.12.95 on the file of Subordinate Judge, Padmanabhapuram pursuant to the judgment and decree in O.S.No.43 of 1985 dated 27.11.92.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.N.RAHAMADULLAH, Advocate for the petitioners in all the petitions and of Mr.C.VAKEESWARAN, Advocate for 7th Respondent in all the petitions, the court made the following order:-

C.M.P(MD)No.1354 of 2020 has been filed by the petitioners seeking to condone the delay of 532 days in filing a petition to set aside the abatement caused due to the death of the fifth appellant in the above second appeal.

2.C.M.P(MD)No.1358 of 2020 has been filed by the petitioners seeking to set aside the abatement caused due to the death of the fifth appellant in the above second appeal.

3.C.M.P(MD)No.1359 of 2020 has been filed by the petitioners seeking to bring on record the petitioners 7 and 8 therein, as the legal heirs of the deceased fifth appellant and rank them as appellants 9 and 10, in the above second appeal.

4.Heard the learned counsel appearing for the contesting respondents.

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.1,000/- (Rupees one thousand only) to the Legal Services Committee, attached to this Bench within a period of two weeks 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.

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sd/-
23/09/2020

/ TRUE COPY /

/ /2020

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

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/ litigant concerned.

TO

1. THE SUBORDINATE JUDGE,
PADMANABHAPURAM.
2. THE PRINCIPAL DISTRICT JUDGE,
NAGERCOIL, KANYAKUMARI DISTRICT.

COPY TO:-

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

ORDER IN
CMP (MD) Nos. 1354, 1358 & 1359/2020 IN
SA No. 373 of 1997
Date : 23/09/2020

SMN

TE/AKM/SAR-I : 28/09/2020 : 3P/4C