



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

Thursday, the Tenth day of September Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

C.M.P(MD)Nos.1941 to 1943 of 2020
in
S.A(MD)No.314 of 2008

P.ALAGAPPAN

... PETITIONER/APELLANT
IN ALL THE PETITIONS

Vs

1 PANDI

... 1st RESPONDENT/1st RESPONDENT
IN ALL THE PETITIONS

2 KARUPPAIAH (DIED)

... 2nd RESPONDENT
IN ALL THE PETITIONS

3 SOUNDARAM

4 DEVAKKOTTAI MUNICIPALITY,
REP.BY ITS COMMISSIONER, DEVAKKOTTAI.

5 K.VEERAPANDI

... RESPONDENTS 3 to 5/RESPONDENTS 3 to 5
IN ALL THE PETITIONS

6 K.THIRUPPAKKAL

7 D.JEYAKKODI

8 M.AMUTHA

... RESPONDENTS 6 to 8/
PROPOSED RESPONDENTS 6 to 8/
LRs OF DECEASED 2nd RESPONDENT
IN ALL THE PETITIONS

Prayer in CMP(MD) No.1941 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 1046 days in filing application for setting aside abatement caused due to the death of the 2nd respondent Karuppaiah in the above appeal.

Prayer in CMP(MD) No.1942 of 2020:

To Set aside the abatement caused due to the death of the 2nd respondent Karuppaiah in the above appeal.

Prayer in CMP(MD) No.1943 of 2020:

<https://hcservices.courts.gov.in/hcservices> Record the proposed respondents 6 to 8 as Legal



representatives of the deceased 2nd respondent Karuppaiah and rank them as respondents 6 to 8 in the above above in SA(MD)No.314 of 2008 on the file of this Honourable Court.

Prayer in SA(MD). 314/ 2008 :

Appeal praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the Judgment and Decree dated 04.10.2007 in AS.84/2005 on the file of the Sub Judge, Devakottai confirming the Judgment and Decree dated 13.06.2005 in OS.79/2004 on the file of the District Munsif, Devakottai, by allowing this appeal.

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.S.MANIKANDAN, Advocate for the petitioner in all the petitions and of Respondents 6 to 8 not appeared either in person or by an advocate in all the petitions, the court made the following order:-

C.M.P(MD)No.1941 of 2020 has been filed by the petitioner seeking to condone the delay of 1046 days in filing a petition to set aside the abatement caused due to the death of the second respondent in the above second appeal.

2.C.M.P(MD)No.1942 of 2020 has been filed by the petitioner seeking to set aside the abatement caused due to the death of the second respondent in the above second appeal.

3.C.M.P(MD)No.1943 of 2020 has been filed by the petitioner seeking to bring on record the respondents 6 to 8 therein, as the legal representatives of the deceased second respondent and rank them as respondents 6 to 8, in the above second appeal.

4. 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.1,500/- (Rupees One Thousand Five Hundred 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.

5. These petitions are accordingly ordered.



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

sd/-
10/09/2020

WEB COPY

/ 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, DEVAKOTTAI.

2 THE DISTRICT MUNSIF, DEVAKOTTAI.

COPY TO:

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

ORDER
IN
C.M.P (MD) Nos.1941 to
1943 of 2020
IN
SA(MD) No.314 of 2008
Date :10/09/2020

vrn
JM/VR/SAR III/28.09.2020/3P/4C