



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Eighth day of September Two Thousand and Twenty

WEB COPY

PRESENT

The Hon'ble Mrs.Justice J.NISHA BANU

CMP (MD) Nos.3053, 3054 & 3055 of 2019 IN
AS (MD) No.76 of 2017

1. P.R.RAMASUBRAMANIAN (DIED)	... DECEASED
	SOLE APPELLANT IN AS
2. P.R.VIJAYA	
3. P.R.VENKATAKRISHNAN	
4. P.R.HARIHARASUDHAN	
5. P.R.SHANTHI	
6. P.R.SARAVANAN	... PETITIONERS 2to6/ APPELLANTS LR's OF THE DECEASED 1 st APPELLANTS (in all the petitions)

Vs

1. S.JANAKIRAMAN	
2. S.KANNAN	
3. THILAGAM	... RESPONDENTS/RESPONDENTS (in all the petitions)

Prayer in CMP (MD) No.3053/ 2019 :

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 244 days in filing application to set aside the abatement of the above appeal in AS.(MD)No.76 of 2017 on the file of this Hon'ble Court to death of sole appellant and thus render justice.

Prayer in CMP (MD) No.3054/ 2019 :

To set aside the abatement caused due to the death of sole appellant in the above appeal in A.S.(MD)No.76 of 2017 on the file of this Hon'ble Court and thus render justice.

Prayer in CMP (MD) No.3055/ 2019 :

To bring the petitioners 2 to 6 herein on record as the legal representatives of the deceased sole appellant and rank them as appellants 2 to 6 in the above appeal in A.S.(MD)No.76 of 2017 and thus render justice.

Prayer in AS (MD) No.76 of 2017:

To allow this appeal by dismissing the suit as prayed for

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by this Appellant/1st Defendant and by setting aside the decree and judgment dated 17.03.2017 made in OS No.145/2010 on the file of the Additional District Court(Fast Track Court) Tenkasi.

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.K.SEKAR , Advocate for the petitioners in all petitions and of MR.F.X.EUGENE on behalf of the Respondents 1 and 2 in all petitions, the court made the following order:-

C.M.P(MD)No.3053 of 2019 has been filed by the petitioners seeking to condone the delay of 244 days in filing a petition to set aside the abatement caused due to the death of the sole appellant in the above appeal.

2. C.M.P(MD)No.3054 of 2019 has been filed by the petitioners seeking to set aside the abatement caused due to the death of the sole appellant in the above appeal.

3. C.M.P(MD)No.3055 of 2019 has been filed by the petitioners seeking to bring on record the petitioners 2 to 6 therein, as the legal representatives of the deceased sole appellant and rank them as appellants 2 to 6, in the above appeal.

4. Heard the learned counsel appearing for the respondents 1 and 2.

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 four 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.

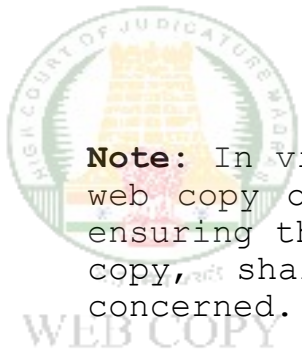
6. These petitions are accordingly ordered.

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

sd/-
08/09/2020

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/ /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

THE ADDITIONAL DISTRICT JUDGE,
(FAST TRACK COURT),
TENKASI.

COPY TO:

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

ORDER IN
CMP (MD) No.3053,3054&3055 of 2019
IN
AS (MD) No.76 of 2017
Date :08/09/2020

SMN
SRS/ JC/ SAR-II/ 10.09.2020/ 3P/3C