



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

Thursday, the Twenty Fourth day of September Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

C.M.P(MD)Nos.373 to 375 of 2019

in

S.A(MD)No.627 of 2007

1 RAMAN (DIED)

2. IRRULAYEE

3 DHANALAKSHMI

4 MANIVANNAN

5 POOMALARDAR

... PETITIONERS 1 to 5/APPELLANTS
IN ALL THE PETITIONS

6 LAKSHMI

7 LEKKAMMAL

8 RAJASEKARAN

... PETITIONERS 6 to 8/PROPOSED APPELLANTS
6 to 8 LRs of the 1st APPELLANT
IN ALL THE PETITIONS

Vs

1 RAMU

2 LAKSHMI AMMAL

3 PERUMAL

4 PUNNAIVANAM

S/O.LATE KOMALI @ MUTHU PUNNAIVANA MOOPAR

5 PARAMASIVAM

6 RAMAN (DIED)

7 KARUPPASAMY (DIED)

8. PERIYASAMY

9 PUNNAIVANAM

S/O.PERIYASAMY MOOPAR

10 ARUMUGAM

11 GANESAN

12 RAMAN

S/O.KARUPPASAMY

13 LAKSHMI

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14 PUNNAIAMMAL
15 MUTHU
16 GOPAL
17 MURUGAYEE
18 R.PERUMAL

... RESPONDENTS 1 to 18/RESPONDENTS 1 to 18
IN ALL THE PETITIONS

19 K.PAPPAMMAL
20 K.RAMASAMY
21 K.RASU
22 K.RAMAR
23 RAMALAKSHMI

... RESPONDENTS 19 to 23/ PRPOSED RESPONDENTS
19 to 23 in M.PNo.1/2009
IN ALL THE PETITIONS

(For Respondents 9,10,11 and 13 herein notice
has been dispensed with in I.A.No.160 of 2002, dated 17.07.2002)

Prayer in CMP(MD)No.373 of 2019 in SA(MD)No.627 of 2007:

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 131 days in filing the petition for set aside the abatement caused due to the death of the 1st Appellant.

Prayer in CMP(MD) . 374 of 2019 in SA(MD)No.627 of 2007:

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 1st Appellant in the above Second Appeal No.627 of 2007 in so far as the 1st Appellant is concerned.

Prayer in CMP(MD) . 375 of 2019 in SA(MD)No.627 of 2007: :

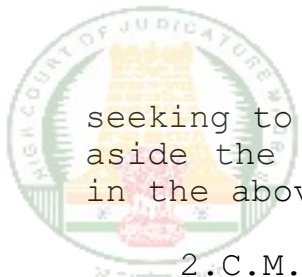
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to bring on records the Appellants 6 to 8 as legal representative of the deceased Raman the 1st Appellant and rank them as Appellants 6 to 8 in the above Second Appeal No.627 of 2007.

Prayer in SA(MD)No.627 of 2007:

To set aside the judgment and decree passed in A.S.No.50 of 2002 on the file of the Sub Court, Aruppukottai dated 11.07.2005 confirming the judgment and decree passed in O.S.No.317/1993 dated 09.04.2002 on the file of the District Munsif, Aruppukottai.

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.VIJAYAKUMARI NATARAJAN, Advocate for the petitioners in all the petitions, the court made the following order:-

C.M.P(MD)No.373 of 2019 has been filed by the petitioners
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seeking to condone the delay of 131 days in filing a petition to set aside the abatement caused due to the death of the first appellant in the above second appeal.

2.C.M.P(MD)No.374 of 2019 has been filed by the petitioners seeking to set aside the abatement caused due to the death of the first appellant in the above second appeal.

3.C.M.P(MD)No.375 of 2019 has been filed by the petitioners seeking to bring on record the petitioners 6 to 8 therein, as the legal representatives of the deceased first appellant and rank them as appellants 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.500/- (Rupees 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/-
24/09/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

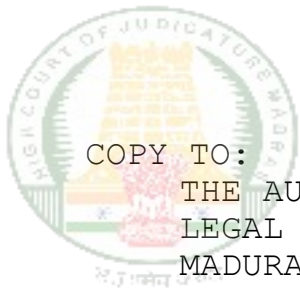
Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/ litigant concerned.

TO

1 THE SUBORDINATE JUDGE,
ARUPPUKOTTAI.

2 THE DISTRICT MUNSIF,
ARUPPUKOTTAI.

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

WEB COPY

ORDER
IN
C.M.P (MD) Nos.373 to 375 of 2019
in
S.A (MD) No.627 of 2007
Date :24/09/2020

smn
AE/JC/SAR-II (29.09.2020) 4P 4C