



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

Tuesday, the Seventh day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

CMP(MD) Nos.3945 to 3947 of 2019
IN
SA No.1727 of 2000

1 RAMIAH NAMBIAR (DIED) ...1st PETITIONER/SOLE APPELLANT
IN ALL PETITIONS

2 BOOTHATHAN
3 SEETHAI
4 SUBBIAH
5 CHELLAIAH
6 PERIYASAMY
7 GOPALAKRISHNAN

...2 TO 7 PETITIONERS/LEGAL HEIRS
OF DECEASED SOLE APPELLANT
IN ALL PETITIONS

Vs

1 SORNATHAMMAL
2 MUTHULAKSHMI
3 PETCHIAMMAL
4 KASAMUTHU
5 RAJENDRAN
6 JEYA
7 RAMALAKSHMI
8 LAKSHMANA
9 KASAMUTHU S/o.SUBBIAH NAMBIAR

10 MINOR SAILAPPAN
11 MINOR ARUMUGAM

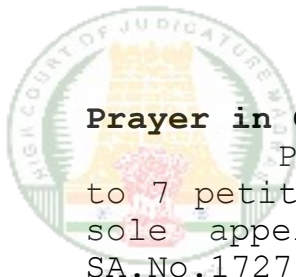
(THE 10&11 MINOR RESPONDENTS THROUGH THEIR MOTHER AND
GUARDIAN OF 7TH RESPONDENT) ... RESPONDENTS/ RESPONDENTS
IN ALL PETITIONS

Prayer in CMP(MD) . 3945/ 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 2996 days in filing the application to set aside the abatement in second appeal SA.No.1727 of 2000 on account of the death of the sole appellant.

Prayer in CMP(MD) . 3946/ 2019 :

Pleased to set aside the abatement caused due to the death of the sole appellant in the above SA.No.1727 of 2000 is concerned.



Prayer in CMP(MD) . 3947/ 2019 :

Pleaded to permit the petitioner to bring on record the 2 to 7 petitioners herein as the legal representative of the deceased sole appellant and rank them as 2 to 7 appellants in above SA.No.1727 of 2000.

PRAYER IN SA No.1727 of 2000:

To prefer this Memorandum of second appeal against the Judgment and decree in A.S.No.38 of 1998 on the file of Sub-Court, Ambasamudram, dated 05.08.1999 modified the Judgment and Decree in O.S.No.162 of 1992 on the file of the Additional District Munsif Court, Ambasamudram, dated 30.06.1998.

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.N.GA.NATRAJ, Advocate for the petitioner in all these petitions, and of No Appearance either in person or by an Advocate for R5 to R11 in all these petitions, the court made the following order:-

These applications are filed (i) to condone the delay of 2996 days in filing the petition to set aside the abatement caused due to the death of the sole appellant; (ii) to set aside the abatement caused due to the death of the sole appellant; (iii) to bring the legal heirs of the sole appellant on record as appellants 2 to 7.

2.Heard both sides. There is no serious objection on the other side.

3.Having regard to the nature of the petition and having satisfied with the reasons assigned in the affidavit to condone the delay, in order to give fair opportunity to the parties, particularly, legal heirs to agitate their rights, the delay is condoned, subject to the payment of Rs.5000/- (Rupees Five Thousand Only) payable to Women Lawyers Association, attached to this Bench for the purpose of maintaining the Creche maintained by them. The cost shall be paid on or before 30.01.2020.

4.In view of the same, these petitions are ordered. The Registry is directed to carry out the necessary amendment and post the matter on 31.01.2020 for reporting compliance.

sd/-
07/01/2020

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



TO

1.THE SUBORDINATE JUDGE, AMBASAMUDRAM.

2.THE ADDITIONAL DISTRICT MUNSIF, AMBASAMUDRAM.

COPY TO:

THE OFFICER INCHARGE,
WOMEN LAWYERS ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP (MD) Nos.3945 to 3947
of 2019 IN
SA No.1727 of 2000
Date :07/01/2020

MYR
TK/PN/SAR.2/10.01.2020/3P/4C