



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

Thursday, the Twenty Fourth day of September Two Thousand Twenty

PRESENT

WEB COPY

The Hon`ble Mrs.Justice J.NISHA BANU

C.M.P (MD) Nos.3914 to 3916 of 2020
in A.S (MD) No.34 of 2018

1 R.R.JEYAPRAKASAM (DIED) ,
2 R.R.ARUNACHALA RAJAN

... PETITIONER/ APPELLANT
IN ALL THE PETITIONS

3 R.MANGAYARKARASI
4 J.KANCHANA
5 J.HARIRAM
6 J.SUDHARASAN NAGACHAKKRAVARTHY

... PETITIONERS 3 TO 6/
PROPOSED PARTIES
IN ALL THE PETITIONS

Vs

1 M/S.V.R.V. AND CO
KUMBAKONAM, FINANCIERS,
THROUGH ITS PARTNER, R.V.SUBRAMANIAM.

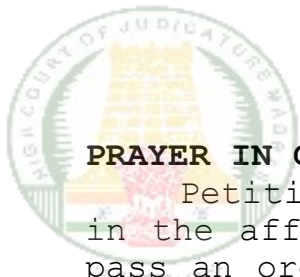
2 R.V.SUBRAMANIAM
3 R.V.KRISHNAMOORTHY
4 N.MYTHILI
5 R.RAJAM
6 K.NAGARAJAN
7 K.BALACHANDRAN
8 V.S.RAJA
9 R.RAMAKRISHNAN
10 R.V.RAMANATHAN
11 R.PIRAGAN NAYAGI
12 P.P.K.J.NAGARAJAN

13 THE COFFEE BOARD,
BANGALORE, THROUGH ITS CHIEF MARKETING OFFICER,
Door NO 1, AMBETHKAR ROAD (VIDHAN ROAD), BANGALORE.

14 M/S.V.R.V.HILL GARDEN PRIVATE LIMITED,
NEW ROBIN STREET, KUMBAKONAM,
THROUGH ITS MANAGING DIRECTOR, ALAMELU MANGAI.

15 M/S.R.V. PLANTATION
THROUGH ITS MANAGING PARTNER,
R.V. SUBRAMANIAM

... RESPONDENTS/ RESPONDENTS
IN ALL THE PETITIONS



PRAYER IN C.M.P(MD)No.3914 OF 2020:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order condoning the delay of 170 days in filing application to set aside abatement of the first appeal caused due to the death of the first appellant, R.R.Jeyaprakasam and thus render justice.

Prayer in CMP(MD) . 3915/ 2020 :

pleased to pass an order setting aside the abatement of the first appeal caused due to the death of the first appellant, R.R. Jeyaprakasam and thus render justice.

Prayer in CMP(MD) . 3916/ 2020 :

pleased to pass an order bringing on record the petitioners 3 to 6 as the legal representatives of the deceased first appellant, R.R. Jeyaprakasam and array them as appellants 3 to 6 in the main first appeal in A.S.(MD) No 34 of 2018 and thus render justice.

Prayer in AS(MD) . 34/ 2018 :

To pass a judgment and decree setting aside the judgment and decree dated 23.03.2017 passed in the suit in O.S.No.98 of 2009 on the file of the learned Additional District Judge(Fast Track Court), Palani, and granting a decree in favour of the appellants/plaintiffs as prayed for in the plaint with costs and thus allow the appeal with costs throughout and thus render justice.

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.J.BARATHAN, Advocate for the petitioners in all the petitions, and respondent not appeared either in person or by an advocate in all the petitions, the court made the following order:-

C.M.P(MD)No.3914 of 2020 has been filed by the petitioners seeking to condone the delay of 170 days in filing a petition to set aside the abatement caused due to the death of the first appellant in the above appeal.

2.C.M.P(MD)No.3915 of 2020 has been filed by the petitioners seeking to set aside the abatement caused due to the death of the first appellant in the above appeal.

3.C.M.P(MD)No.3916 of 2020 has been filed by the petitioners seeking to bring on record the petitioners 3 to 6 therein, as the legal representatives of the deceased first appellant and array them as appellants 3 to 6, in the above appeal.

4.Though the respondents 1, 2, 4 to 10 and 15 appeared through a counsel, today there is no representation on behalf of them.



5.Despite notice being served on the respondents 3 and 11 to 14 and their names are being printed in the cause list, there is no representation on behalf of them either in person or through counsel.

6.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 a copy of this order, failing which, these petitions shall stand dismissed automatically without any further reference to this Court.

7.These petitions are accordingly ordered.

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

sd/-
24/09/2020

/ 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

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

COPY TO:

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

ORDER IN
C.M.P(MD)Nos.3914 to 3916 of 2020
IN AS(MD) No.34 of 2018
Date :24/09/2020

MS/VR/SAR-3/08.10.2020/3P.3C