



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

Thursday, the Sixth day of August Two Thousand Twenty

PRESENT

The Hon'ble Mrs.Justice J.NISHA BANU

C.M.P (MD) Nos.9472, 9473 and 9475 of 2019
in
S.A.No.1480 of 2001

S.SUBBIAH PILLAI

... PETITIONER/APPELLANT
IN ALL THE PETITIONS

Vs

1 NAGAMMAL (DIED)

2 INDIRANI (DIED)

3 NAGARAJAN

4 KASTHURIBAI

... RESPONDENTS 1 to 4/
RESPONDENTS 1 to 4

5 K.SUBRAMANIAN @ K.S.MANI

6 VENKATESH

7 SANTHOSH

... RESPONDENTS 5 to 7/
PROPOSED RESPONDENTS 5 to 7

IN ALL THE PETITIONS

Prayer in CMP(MD)No.9472/2019 :

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 3586 days in filing the application to set aside the abatement caused in respect of death of 2nd Respondent in S.A. No. 1480 of 2001 on the file of this Hon'ble Court and thus render justice.

Prayer in CMP(MD)No.9473/2019 :

Pleased to set aside the abatement caused in respect of death of 2nd Respondent in S.A. No. 1480 of 2001 on the file of this Hon'ble Court and thus render justice.

Prayer in CMP(MD)No.9475/2019 :

Pleased to bring or record the Respondents 5 to 7 as legal representatives of the deceased 2nd Respondent in S.A.No. 1480 of 2001 on the file of this Hon'ble Court and thus render justice.



Prayer in SA.No.1480 of 2001:

Second Appeal against the Judgment and Decree of the learned I Additional District Judge, Tirunelveli dated 28.03.2001 made in A.S.No.46 of 2000 reversing the Judgment and decree of the learned Principal District Munsif, Valliyoor dated 27.01.2000 made in O.S.No.135 of 1996.

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.A.ARUMUGAM, Advocate for the petitioner in all the petitions and of Mr.D.SASIKUMAR, Advocate for R3 and R4 in all the petitions, the court made the following order:-

C.M.P(MD)No.9472 of 2019 has been filed by the petitioner seeking to condone the delay of 3586 days in filing a petition to set aside the abatement caused due to the death of 2nd respondent in the above second appeal.

2.C.M.P(MD)No.9473 of 2019 has been filed by the petitioner seeking to set aside the abatement caused due to the death of the 2nd respondent in the above second appeal.

3.C.M.P(MD)No.9475 of 2019 has been filed by the petitioner seeking to bring on record the respondents 5 to 7 therein, as the legal representatives of the deceased 2nd respondent in the above second appeal.

4.Today, when the matter came up for hearing, the learned counsel appearing for the petitioner would state the petitioner has already filed C.M.P(MD)No.6464 of 2019 seeking to exempt the petitioner from the necessity of substituting the legal representatives of the deceased 2nd respondent in the second appeal and this Court has allowed the same, vide order, dated 01.10.2019 and therefore, these petitions may be dismissed as unnecessary.

5.It is seen from the records that the petitioner has already filed C.M.P(MD)No.6464 of 2019 seeking to exempt the petitioner from the necessity of substituting the legal representatives of the deceased 2nd respondent in the second appeal and this Court has also allowed the same. Therefore, recording the submission of the learned counsel appearing for the petitioner, these petitions are dismissed as unnecessary.

sd/-

06/08/2020

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



TO

1. THE I ADDITIONAL DISTRICT JUDGE, TIRUNELVELI.

2. THE PRINCIPAL DISTRICT MUNSIF, VALLIYOOR.

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ORDER IN
C.M.P (MD) Nos.9472, 9473 & 9475/2019
IN
SA No.1480 of 2001
Date :06/08/2020

SMN

TE/JC/SAR-II : 12/08/2020 : 3P/3C