



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

Wednesday, the Fifteenth day of July Two Thousand and Twenty

PRESENT

The Hon'ble Mr Justice K.KALYANASUNDARAM

CMP(MD).Nos.8494 and 8496 of 2019
in
CRP(MD).No.568 of 2009
and
CMP(MD).Nos.8527 and 8529 of 2019
in
CRP(MD).No.569 of 2009
and
CMP(MD).Nos.8531, 8532 and 8534 to 8536 of 2019
in
CRP(MD).No.570 of 2009

Seemonraj ...Petitioner in CMP(MD).Nos.8494 and 8496 of 2019
in CRP(MD).No.568 OF 2009

Madhiyazhagan ...Petitioner in CMP(MD).No.8527 of 2019 in CRP
(MD).No.569 OF 2009

P.Madhiyazhagan ...Petitioner in CMP(MD).No.8529 of 2019 in
CRP(MD).No.569 OF 2009

1. R.Palaivel (Died)
2. Rajeswari
3. Vasantha
4. Elangovan
5. Madhiyalagan
6. Subramaniyan

...Petitioners in CMP(MD).No.8531, 8532
and 8534 to 8536 of 2019 in CRP(MD).No.570 OF 2009

- Vs. -

1. S.Meenambal
2. R.Rajalakshmi
3. K.Ramachandran
4. M.Amsavalli
5. R.Palanivel
6. P.Madhiyazhagan
7. R.Shanmugam
8. S.Rajangam

...Respondents in CMP(MD).Nos.8494 and 8496 of 2019
in CRP(MD).No.568 OF 2009



1. S.Meenambal
2. R.Rajalakshmi
3. K.Ramachandran
4. M.Amsavalli
5. R.Palanivel
6. R.Shanmugam
7. S.Rajangam
8. Seemonraj

...Respondents in CMP(MD).No.8527 and 8529 of 2019
in CRP(MD).No.569 OF 2009

1. S.Meenambal
 2. R.Rajalakshmi
- ...Respondents in CMP(MD).Nos.8531, 8532
and 8534 to 8536 of 2019 in CRP(MD).No.570 OF 2009

Prayer in CMP(MD).Nos.8494 of 2019 in CRP(MD).No.568 OF 2009 :

Civil Miscellaneous Petition filed under section 5 of Limitation Act, praying this Hon'ble Court to Condone the delay of 44 days in filing the restoration petition and set aside the order dated 27.6.2019 in CRP(MD).No.568 of 2009.

Prayer in CMP(MD).Nos.8496 of 2019 in CRP(MD).No.568 OF 2009 ::

Civil Miscellaneous Petition filed under Order 9 Rule 9 of Civil Procedure Code, praying this Hon'ble Court to set aside the order dated 27.6.2019 in CRP(MD).No.568 of 2009.

Prayer in CRP(MD).No.568 of 2009 :

Civil Revision Petition filed under Section 115 of Civil Procedure Code, praying this Hon'ble Court to set aside the fair and decreetal order dated 30.07.2008 made in I.A.119 of 2006 in O.S.100 of 1996 on the file of the Additional Subordinate Judge, Thanjavur

Prayer in CMP(MD).No.8527 of 2019 in CRP(MD).No.569 OF 2009 :

Civil Miscellaneous Petition filed under section 5 of Limitation Act, praying this Hon'ble Court to Condone the delay of 44 days in filing the restoration petition and set aside the order dated 27.6.2019 in CRP(MD).No.569 of 2009.

Prayer in CMP(MD).No.8529 of 2019 in CRP(MD).No.569 OF 2009 :

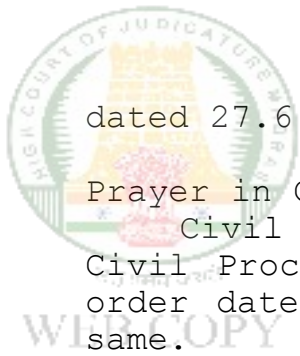
Civil Miscellaneous Petition filed under Order 9 Rule 9 of Civil Procedure Code, praying this Hon'ble Court to Set aside the order dated 27.6.2019 in CRP(MD).No.569 of 2009.

Prayer in CRP(MD).No.569 of 2009 :

Civil Revision Petition filed under Section 115 of Civil Procedure Code, praying this Hon'ble Court to set aside the fair and decreetal order dated 30.07.2008 made in I.A.80 of 2007 in O.S.100 of 1996 on the file of the Additional Subordinate Judge, Thanjavur

Prayer in CMP(MD).No.8531 of 2019 in CRP(MD).No.570 OF 2009 :

Civil Miscellaneous Petition filed under Section 5 of Limitation Act, praying this Hon'ble Court to condone the delay of 44 days in filing the restoration petition to set aside the order



dated 27.6.2019 in CRP(MD). No.570 of 2009.

Prayer in CMP(MD).No.8532 of 2019 in CRP(MD).No.570 OF 2009 :

Civil Miscellaneous Petition filed under Order 9 Rule 9 of Civil Procedure Code, praying this Hon'ble Court to set aside the order dated 27.6.2019 in CRP(MD). No.570 of 2009 and restore the same.

Prayer in CMP(MD).No.8534 of 2019 in CRP(MD).No.570 OF 2009 :

Civil Miscellaneous Petition filed under Section 5 of Limitation Act, praying this Hon'ble Court to condone the delay of 80 days in filing the petition to set aside the abatement caused due to the death of the 1st petitioner.

Prayer in CMP(MD).No.8535 of 2019 in CRP(MD).No.570 OF 2009 :

Civil Miscellaneous Petition filed under Order 22 Rule 9(2) of Civil Procedure Code, praying this Hon'ble Court to set aside the abatement caused due to the death of the 1st petitioner.

Prayer in CMP(MD).No.8536 of 2019 in CRP(MD).No.570 OF 2009 :

Civil Miscellaneous Petition filed under Order 22 Rule 3 of Civil Procedure Code, praying this Hon'ble Court to bring on record the LRs of the deceased 1st petitioner herein proposed petitioners 2 to 6 and rank them as petitioners 2 to 6 in the above Civil Revision Petition.

Prayer in CRP(MD).No.570 of 2009 :

Civil Revision Petition filed under Section 115 of Civil Procedure Code, praying this Hon'ble Court to set aside the fair and decreetal order dated 30.07.2008 made in I.A.7 of 2007 in O.S.100 of 1996 on the file of the Additional Subordinate Judge, Thanjavur.

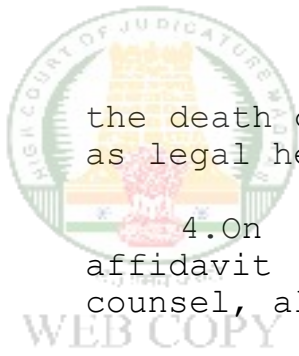
ORDER:-

Civil Miscellaneous Petitions are coming upon for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.I.Velpradeep, Advocate for the Petitioners (in all cases) and of Mr.K.Govindarajan, Advocate for the respondents (in all cases), this Court made the following order:

Heard both side.

2.C.M.P.(MD).Nos.8494, 8496, 8527, 8529, 8531 and 8532 of 2019 have been filed by the petitioners to condone the delay caused in filing the applications to restore the Civil Revision Petitions and to restore the Civil Revision Petitions, which were dismissed for non prosecution on 27.06.2019.

3.C.M.P.(MD).Nos.8534 to 8536 of 2019 have been filed by the petitioners to condone the delay caused in filing an application to set aside the abatement, to set aside the abatement caused due to



the death of first petitioner and to bring on the petitioners 2 to 6 as legal heirs of deceased first petitioner.

4. On being satisfied with the averments contained in the affidavit and considering the representations of the respective counsel, all these petitions are allowed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

The Additional Subordinate Judge, Thanajvur

Copy to

1 The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai.
(For Restored) (For information)

CMP(MD).Nos.8494 and 8496 of 2019
in CRP(MD).No.568 of 2009
and CMP(MD).Nos.8527 and 8529 of 2019
in CRP(MD).No.569 of 2009
and

CMP(MD).Nos.8531, 8532 and 8534 to 8536 of 2019
in CRP(MD).No.570 of 2009

NS(CO)

TR(12.08.2020) 4P 3C