



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

Thursday, the Twentieth day of August Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

C.M.P(MD).Nos.7945 to 7947 of 2016
in
S.A. (MD)No.758 of 2013

KARUPPIAH @ RAJENDRAN

... PETITIONER/ APPELLANT
in all the petitions

Vs

SEVUGAPERUMAL (DIED)

- 1 ALAGUSUNDARAM
- 2 MURUGANANDAM,
- 3 DHAKSHINAMOORTHY
- 4 MEIATHAL

(Amended as per the order in IA No.265 of 2011
dated 16.09.2011)

- 5 KUNJARAM
- 6 M.GANDHI
- 7 GHOWSALAI (DIED)
- 8 MADHAVAN
- 9 PARVATHI

... RESPONDENTS/ DEFENDANTS
in all the petitions

- 10 PALANIYANDI
- 11 SHANTHI
- 12 JEYANTHI

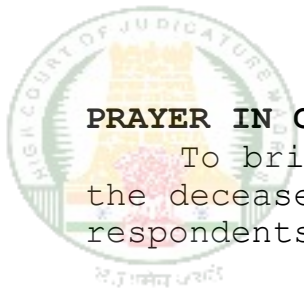
... PRPOSED PARTY/ LEGAL
REPRESENTATIVE OF RESPONDENT NO.7
in all the petitions

PRAYER IN C.M.P(MD).No.7945 of 2016:

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 569 days in filing the petition to set aside the abatement caused due to the death of the 7th respondent in the above said appeal in SA No.758 of 2013.

PRAYER IN C.M.P(MD).No.7946 of 2016:

To set aside the abatement caused due to the death of 7th respondent in the above said appeal in SA No.758 of 2013.



PRAYER IN C.M.P(MD) .No.7947 of 2016:

To bring on record the 10th to 12th respondents as legal heirs of the deceased 7th respondent in the above said appeal and rank them as respondents No.10 to 12 in the above said appeal.

PRAYER IN S.A. (MD)No.758 of 2013:

To prefer this Memorandum of grounds of second appeal against the judgment and decree passed in A.S.No.129 of 2010 dated 14.08.2013 on the file of the Sub Judge, Sivagangai confirming the decree and judgment in O.S.No.149 of 2004 dated 29.09.2010 on the file of the District Munsif Cum Judicial Magistrate, Tirupathur.

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.MURUGESAN, Advocate for the petitioner in all the petitions and of Mr.M.V.VENKATASESHAN, Advocate for R1 to R3, R6,R8 and R9 in all the petitions and R5 not appeared either in person or by an advocate, the court made the following order:-

These petitions have been filed by the petitioners praying to condone the delay of 569 days in filing a petition to set aside the abatement caused due to the death of 7th respondent, to set aside the abatement and to bring on record the legal heirs of the deceased 7th respondent ie. proposed respondents 10 to 12 as respondents 10 to 12 in the appeal respectively.

2. Though notice served and name printed in the cause list, none appeared on behalf of the proposed respondents.

3. The learned counsel appearing for the respondents 1 to 3, 6, 8 & 9 submitted that they have no objection in allowing these petitions.

4. Considering the length of delay and also considering the reason stated in the affidavit filed in support of the petitions, these petitions are ordered 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.

sd/-
20/08/2020

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



TO

1 THE SUBORDINATE JUDGE
SIVAGANGAI.

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
TIRUPATHUR.

COPY TO:

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

+1 CC to M/s.N.MURUGESAN, Advocate (SR-6058[I] dated 24/08/2020)

ORDER IN
C.M.P(MD) .Nos.7945 to 7947 of 2016
in
S.A. (MD) No.758 of 2013
Date :20/08/2020

MS/VR/SAR-3/25.08.2020/3P.5C