



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

Friday, the Eleventh day of December Two Thousand and Twenty

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CMP(MD) Nos.5058, 5059 and 5060 of 2018

IN

CRP(MD) No.1957 of 2015

M.STEPHEN PAUL

... PETITIONER/PETITIONER
IN ALL THE PETITIONS

Vs

KALAMATHI (DIED)

1 JOSEPH CHRISTIAN

2 M.FINNY YESUDHAS

... RESPONDENTS 1 & 2/RESPONDENTS 2 & 3
IN ALL THE PETITIONS

3 ANNE JOEL

4 ANDREW

5 JOSHUWA

... RESPONDENTS 3 to 5/PROPOSED RESPONDENTS/
(LEGAL HEIRS OF 1st RESPONDENT OF KALAMATHI)
IN ALL THE PETITIONS

PRAYER IN CMP(MD)No.5058/2018:

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 294 days in filing petition to set aside the abatement caused due to the death of 1st respondent Kalamathi in CRP(MD).No.1957 of 2015.

PRAYER IN CMP(MD)No.5059/2018:

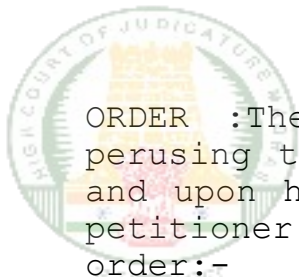
To set aside the abatement caused due to the death of 1st respondent Kalamathi in CRP(MD)No.1957 of 2015.

PRAYER IN CMP(MD)No.5060/2018:

To bring on record the respondents 3 to 5 herein as the legal representatives of the deceased 1st respondent Kalamathi and rank them as respondents 3 to 5 in the above CRP(MD)No.1957 of 2015.

PRAYER IN CRP(MD)No.1957/2015:

To Call for the records relating to the order and Decretal Order dated 27.01.2014 passed by the Second Additional District Munsif, Nagercoil, Kanyakumari District in IA No.02 of 2014 in O.S.No.98 of 2006 and SET ASIDE the same and allow the IA No.02 of 2014 in O.S.No.98 of 2006 on the file of the Second Additional District Munsif, Nagercoil, Kanyakumari District.



ORDER :These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.E.V.N.SIVA, Advocate for the petitioner in all the Petitions, the court made the following order:-

These petitions are filed (i) to condone the delay of 294 days in filing the applications to set aside abatement caused due to the death of the first respondent, (ii) to set aside the abatement caused due to the death of the first respondent (iii) to bring on record the respondents 3 to 5 herein as the legal representatives of the deceased first respondent and to rank them as respondent 3 to 5 in the above Civil Revision Petition.

2. No serious objections were raised by the respondents.

3.This Court is also satisfied with the reasons assigned in the affidavits filed in support of these petitions.

4. In the result, all these applications are allowed on condition that the petitioner shall deposit a sum of Rs.2,000/- (Rupees Two Thousand Only) to the credit of Tamil Nadu Legal Services Committee, Madurai Bench of Madras High Court, Madurai, on or before 18.12.2020, and the registry is directed to carry out necessary amendment in the main appeal and list the main appeal on 23.12.2020.

sd/-
11/12/2020

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

TO

THE SECOND ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL, KANYAKUMARI DISTRICT.

COPY TO: THE OFFICER INCHARGE, TAMIL NADU LEGAL SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER IN
CMP(MD) Nos.5058, 5059 and 5060 of 2018
IN
CRP(MD) No.1957 of 2015
Date :11/12/2020

VSG

<https://hccs.csls.gov.in/Services/11.12.2020> : 2P/3C