



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Eighth day of September Two Thousand and Twenty

WEB COPY

PRESENT

The Hon'ble Mrs. Justice J. NISHA BANU

CMP (MD) No.11217 to 11219 of 2018 IN
AS No.287 of 1998

ANNAKKILI (DIED)

1. VAIYAPURI
2. KAVITHA
3. MAHENDRAN
4. ARIVALAGAN

... PETITIONERS/PROPOSED APPELLANTS
(LRs OF THE DECEASED
5th APPELLANT ANNAKKILI)

Vs

1. M.MANI @ MANIAMMAL

MARIYAYEE (DIED)

2. BAKYALAKSHMI
3. SELVARANI
4. ANNAKKILI (DIED)
5. KANDASAMY
6. BALU
7. RAVI
8. VEERASAMY
9. MUSIRI CO-OPERATIVE PRIMARY &
AGRICULTURAL LAND DEVELOPMENT BANK,
BY ITS SPECIAL OFFICER AND SECRETARY,
MUSIRI,
TRICHY DISTRICT.

... RESPONDENTS/APPELLANTS

.. RESPONDENTS/RESPONDENTS

Prayer in CMP (MD) . 11217/ 2018 :

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 951 days in filing the petition to setting aside the abatement caused due to the death of the 5th appellant Annakkili.

Prayer in CMP (MD) . 11218/ 2018 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the abatement and caused due to the death of the 5th appellant Annakkili.

Prayer in CMP (MD) . 11219/ 2018 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioners 1 to 4 herein to bring on records as



Appellants 9 to 11 in the above first appeal as legal heirs of deceased 5th appellant Annakkili.

Prayer in AS .287 of 1998 :

Appeal filed under Section 96 of C.P.C., against the judgment an decree dated 24.10.1997 made in O.S.No.12 of 1996 by the learned Subordinate Judge, Kulithalai.

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.S.KANNAIAH, Advocate for the petitioners in all petitions, the court made the following order:-

C.M.P(MD)No.11217 of 2018 has been filed by the petitioners seeking to condone the delay of 951 days in filing a petition to set aside the abatement caused due to the death of the 5th appellant in the above appeal.

2.C.M.P(MD)No.11218 of 2018 has been filed by the petitioners seeking to set aside the abatement caused due to the death of the 5th appellant in the above appeal.

3.C.M.P(MD)No.11219 of 2018 has been filed by the petitioners seeking to bring on record the petitioners 1 to 4 therein, as the legal heirs of the deceased 5th appellant and rank them as appellants 9 to 11 in the above appeal.

4.Heard the learned counsel appearing for the contesting respondents.

5.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.1,500/- (Rupees one thousand and five hundred only) to the Legal Services Committee, attached to this Bench within a period of six weeks from the date of receipt of copy of this order, failing which these petitions shall stand dismissed automatically without any further reference to this Court.

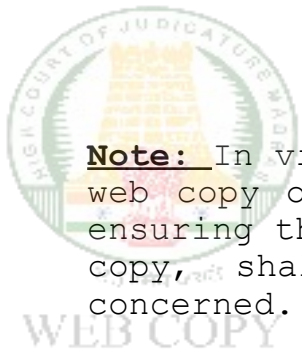
6.These petitions are accordingly ordered.

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

sd/-
08/09/2020

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/ /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 SUBORDINATE JUDGE,
KULITHALAI

COPY TO:

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

ORDER
IN
CMP (MD) No.11217 TO 11219/ 2018 IN
AS No.287 of 1998
Date :08/09/2020

SMN
SRS/ AKM/ SAR-I/ 10.09.2020/ 3P/3C