



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

Monday, the Fourteenth day of December Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice M.GOVINDARAJ

CMP(MD) Nos.8477 to 8482 of 2017

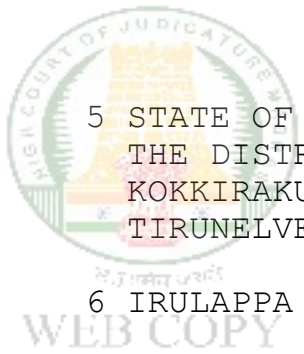
IN

AS(MD) No.345 of 2005

1 V.VELLAPANDI THEVAR (DIED)	...1 st APPELLANT IN A.S. IN ALL THE PETITIONS
2.MUTHIAH THEVAR	... 2 nd PETITIONER/2 nd APPELLANT IN ALL THE PETITIONS
3 CHELLIAH THEVAR (DIED)	... 4 th APPELLANT IN A.S. IN ALL THE PETITIONS
4 MURUGAIAH	
5 PARAMAYEE	
6 MURUGARAJ	... 4 to 6 PETITIONERS/PROPOSED 5 to 7 APPELLANTS & LRS OF THE LATE VELPANDI THEVAR (1 st APPELLANT) IN ALL THE PETITIONS
7 SEENITHAI	
8 POOSAI PANDIAN	
9 VELTHURAICHI	
10 PARAMASIVAM	
11 MUTHUPANDIAN	... 7 to 11 PETITIONERS/PROPOSED 8 TO 12 ALLELLANTS & LRS OF THE LATE CHELLIAH THEVER (4 th APPELLANT) IN ALL THE PETITIONS

Vs

1 C.BALASUBRAMANIAN	... 1 st RESPONDENT/1 st RESPONDENT IN ALL THE PETITIONS
2 THE SPECIAL COMMISSIONER AND COMMISSIONER, HINDU RELIGIOUS & CHARITABLE ENDOWMENT DEPARTMENT, NUNGAMBAKKAM, CHENNAI-34.	
3 THE JOINT COMMISSIONER HINDU RELIGIOUS & CHARITABLE ENDOWMENT DEPARTMENT, TRIVANDRUM ROAD, PALAYAMKOTTAI, TIRUNELVELI.	
4 THE ASSISTANT COMMISSIONER, HINDU RELIGIOUS & CHARITABLE ENDOWMENT DEPARTMENT, SOUTH HIGH GROUND ROAD, TIRUNELVELI.	



5 STATE OF TAMILNADU REP.THROUGH
THE DISTRICT COLLECTOR,
KOKKIRAKULAM, TIRUNELVELI DISTRICT,
TIRUNELVELI.

... 2 to 5 RESPONDENTS/2 to 5 RESPONDENTS
IN ALL THE PETITIONS

6 IRULAPPA THEVAR

... 6th RESPONDENT(S)/3rd APPELLANT
IN ALL THE PETITIONS

PRAYER IN CMP(MD)No.8477/2017:

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 2703 days in filing the petition to set aside the abatement cause due to the death of the 1st Appellant (Late.Vellapandi Thevar) in AS.No.345 of 2005.

PRAYER IN CMP(MD)No.8478/2017:

To set aside the abatement caused due to the death of the 1st Appellant(Late.Vellapandi Thevar) in the main Appeal Suit in A.S.No.345 of 2005 on the file of this Hon'ble Court.

PRAYER IN CMP(MD)No.8479/2017:

To bring on record of Petitioners 4 to 6 herein as legal representatives of the deceased 1st Appellant(Late.Vellapandi Thevar) and rank them as 5 to 7 Appellants in the main Appeal Suit in A.S.No.345 of 2005 on the file of this Hon'ble Court.

PRAYER IN CMP(MD)No.8480/2017:

To condone the delay of 2752 days in filing the petition to set-aside the abatement cause due to the death of the 4th Appellant(Late.Chelliah Thevar).

PRAYER IN CMP(MD)No.8481/2017:

To set aside the abatement caused due to the death of the 4th Appellant (Late.Chelliah Thevar) in the main Appeal Suit in A.S.No.345 of 2005 on the file of this Hon'ble Court.

PRAYER IN CMP(MD)No.8482/2017:

To bring on records the Petitioners 7 to 11 herein as legal representatives of the deceased 4th Appellant (Late.Chelliah Thevar) and rank them as 8 to 12 Appellants in the main Appeal Suit in A.S.No.345 of 2005 on the file of this Hon'ble Court.

PRAYER IN AS(MD)No.345/2005:

To Prefer this Memorandum of Grounds of Regular Appeal against the judgment and decree passed in O.S.No.49/04 dated 21.11.2005 on the file of the Principal Sub Court, Tirunelveli.

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.D.NALLATHAMBI, Advocate for



the petitioners in all the petitions and of MR.R.NIRESHKUMAR, Advocate for R1 in all the petitions and MR.K.P.NARAYANAKUMAR, Special Government Pleader on behalf of the Respondents 2 to 5 in all the Petitions, the Court made the following order:-

CM.P(MD).Nos.8477 and 8480 of 2017 have been filed to condone the delay of 2703 and 2752 days in filing the petitions to set aside the abatement caused due to the death of the 1st appellant and 4th appellant respectively, C.M.P(MD).Nos.8478 and 8481 of 2017 to set aside the abatement and C.M.P(MD).Nos.8479 and 8482 of 2017 to bring on record the LR's of the deceased 1st and 4th appellant and rank them as appellants 5 to 7 and 8 to 12 respectively in the above Second Appeal.

2. Heard the learned counsels appearing on either side.

3. Considering the facts and circumstances of the case, these petitions are allowed on payment of cost of Rs.5,500/- [Rupees Five Thousand and Five Hundred only] to the Anandham Youth Foundation, 15/21, Pasumarthi Street, KG NTR Heritage, 2nd Lane, Rangarajapuram, Kodambakkam, Chennai - 600 024, (Cell No.9841013532) within a period of two weeks from the date of receipt of a copy of this order, failing which, the CMPs are dismissed automatically without any further reference to this Court.

sd/-
14/12/2020

/ TRUE COPY /

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

TO

THE PRINCIPAL SUBORDINATE JUDGE, TIRUNELVELI.

COPY TO : THE OFFICER INCHARGE, THE ANANDHAM YOUTH FOUNDATION,
15/21, PASUMARTHI STREET, KG NTR HERITAGE, 2ND LANE,
RANGARAJAPURAM, KODAMBAKKAM, CHENNAI - 600 024,

+1. C.C. to M/S.D.NALLATHAMBI Advocate SR.No.8206

ORDER IN
CMP(MD) Nos.8477 to 8482 of 2017
IN
AS(MD) No.345 of 2005
Date :14/12/2020

TRP

PK/PN/SAR-III/21.12.2020 : 3P/4C

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