



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.9281 to 9283 of 2018

IN

Cross.Obj (MD) No.11 of 2009

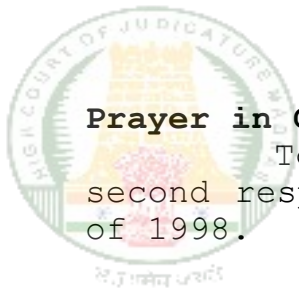
1 P.VEERASWAMY (DIED)	...CROSS OBJECTOR/1 st RESPONDENT
2 V.SHANTHI	
3 V.SATHIYA	
4 V.SARANYA	
5 V.BHARANI	...PETITIONERS/ PROPOSED CROSS OBJECTORS

Vs

1 MANI ALIAS MARIAMMAL	
2 MARIYAYEE (DIED)	
3 BAKYALAKSHMI	
4 SELVARANI	
5 ANNAKKILI (DIED)	
REP. BY LRs.	
6 MUSIRI CO-OP. PRIMARY & AGRICULTURAL LAND DEVELOPMENT BANK, REPRESENTED BY ITS SPECIAL OFFICER/SECRETARY.	...RESPONDENTS/RESPONDENTS
7 P.VAIYAPURI	
8 V.MAHENDRAN	
9 V.ARIVAZHAGAN	
10 V.KAVITHA	...RESPONDENTS/ PROPOSED RESPONDENTS 7to10/ LRs OF DECEASED 5 th RESPONDENT
11 KANDASAMY	
12 BALU	
13 RAVI	...PROPOSED RESPONDENTS 11to13/ LRs OF DECEASED 2 nd RESPONDENT

Prayer in CMP (MD) . 9281/ 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 3630 days in filing the petition to set aside the abatement caused due to the death of the second respondent in Cross Objection No. 11 of 2009 in A.S.No. 287 of 1998.



Prayer in CMP(MD) . 9282/ 2018 :

To set aside the abatement caused due to the death of the second respondent in Cross Objection No. 11 of 2009 in A.S.No. 287 of 1998.

Prayer in CMP(MD) . 9283/ 2018 :

To bring on records the proposed respondents herein as legal heirs of the deceased second respondent herein and rank them as respondents 11 to 13 in Cross Objection No.11 of 2009 in A.S.No. 287 of 1998.

Prayer in Cross.Obj(MD) .11 of 2009 :

Cross Objection filed under Order 41 Rule 22 of C.P.C., against the judgment and decree dated 24.10.1997 made in O.S.No.12 of 1996 by the learned Subordinate Judge, Kulithalai.

Prayer in AS .287 of 1998 :

Appeal filed under Section 96 of C.P.C., against the judgment and 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.P.THIYAGARAJAN, Advocate for the petitioners and none appeared either in person or by an advocate for respondents 11 to 13, the court made the following order:-

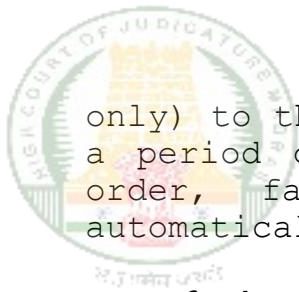
C.M.P(MD)No.9281 of 2018 has been filed by the petitioners seeking to condone the delay of 3630 days in filing a petition to set aside the abatement caused due to the death of 2nd respondent in the above cross objection.

2.C.M.P(MD)No.9282 of 2018 has been filed by the petitioners seeking to set aside the abatement caused due to the death of the 2nd respondent in the above cross objection.

3.C.M.P(MD)No.9283 of 2018 has been filed by the petitioners seeking to bring on record the proposed respondents therein, as the legal heirs of the deceased 2nd respondent and rank them as respondents 11 to 13 in the above cross objection.

4.Despite notice being served on the respondents 11 to 13 and their names are being printed in the cause list, there is no representation on behalf of them either in person or through counsel.

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 cross objection.

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.9281 to 9283 of 2018 IN
Cross.Obj (MD) No.11 of 2009
Date :08/09/2020

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