



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Tenth day of December Two Thousand Twenty One

PRESENT

THE HON`BLE MRS.JUSTICE J.NISHA BANU

C.M.P.Nos.21459, 21461 and 21466 of 2018

IN S.A.No.1822 of 2001

AND C.M.P.Nos.21467, 21469 and 21471 of 2018

IN S.A.No.1823 of 2001

NATARAJAN

[PETITIONER IN ALL THE PETITIONS]

Vs

1 S.R.MARAPPA GOUNDAR (DIED)

2 M.PALANISAMY

[RESPONDENTS IN ALL THE PETITIONS]

3 PALANISAMY

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

1 CMP No.21459 of 2018 IN SA.No.1822 of 2001

To condone the delay of 300 days in filing the petition to set aside the abatement caused to the death of the first respondent viz.S.R.Marappa Gounder.

2 CMP No.21461 of 2018 IN SA.No.1822 of 2001

To set aside the abatement caused to the death of the first respondent viz.S.R.Marappa Gounder.

3 CMP No.21466 of 2018 IN SA.No.1822 of 2001

To bring on record Palanisamy, S/O.Late S.R.Marappa Gounder, aged about 58 years, residing at Thandakkaran Thottam, Manickapuram Road, Palladam, Coimbatore district-641 664, as the Legal Representative of the Deceased 1st Respondent viz. S.R.Marappa Gounder in the above Second Appeal No.1822 of 2001 and rank them as 3rd Respondent in the above Second Appeal.



4 CMP No.21467 of 2018 IN SA.No.1823 of 2001

To condone the delay of 300 days in filing the petition to set aside the abatement caused to the death of the 1st respondent viz S.R.Marappa Gounder.

5 CMP No.21469 of 2018 IN SA.No.1823 of 2001

To set aside the abatement caused to the death of the first Respondent viz.S.R.Marappa Gounder.

6 CMP No.21471 of 2018 IN SA.No.1823 of 2001

To bring on record Palanisamy, S/o Late S.R.Marappa Gounder, aged about 58 years, residing at Thandakkaran Thottam, Manickapuram Road, Palladam, Coimbatore district- 641 664, as the Legal Representative of the Deceased 1st Respondent viz. S.R.Marappa Gounder in the above Second Appeal No. 1823 of 2001 and rank them as 3rd Respondent in the above Second Appeal.

Order : These miscellaneous petitions coming on this day for hearing upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.RAKHUNATHAN.S.K., Advocate for the petitioner in all the Petitions, the court made the following order:-

In the earlier occasion on 04.03.2020, the learned counsel for the petitioner submitted that he has taken steps to implead the legal representative of R1 and private notice sent to him has returned with a postal endorsement that the addressee is dead. Hence, he sought time to implead the legal representatives of the proposed legal representative of R1 and the matter was adjourned to 16.3.2020.

2.On 27.04.2021, this Court ordered notice to the proposed respondent returnable by 18.06.2021.

3.On 18.06.2021, again this Court ordered notice though Court as well as privately to the proposed respondents returnable by 16.07.2021.

4.On 16.07.2021, the learned counsel for the petitioner submitted that notice sent to the proposed respondent has been returned with an endorsement that the proposed respondent is dead and he sought time to take steps to bring on record the legal representatives of the deceased proposed respondent and the matter was adjourned to 06.08.2021.

5.On 06.08.2021, again the learned counsel for the petitioner sought further time for taking steps and hence, the matter was adjourned to 17.08.2021, finally.



6. In the order dated 17.08.2021, this Court has made it clear that if steps are not taken to bring on record the legal representatives of the deceased proposed respondent before the next hearing date, these Civil Miscellaneous Petitions shall stand automatically dismissed for non-prosecution and the matter was adjourned to 14.09.2021.

7. Today, when the matter is taken up for hearing, the learned counsel for the petitioner has come out with the same prayer and sought further time.

8. In view of the above, this Court finds that no steps have been taken as on date and hence, these Civil Miscellaneous Petitions are dismissed for non-prosecution.

9. Post the S.A.Nos.1822 and 1823 of 2001 for final hearing on 05.01.2022.

-sd/-

10/12/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF,
PALLADAM.

2 THE SUBORDINATE JUDGE,
TIRUPPUR.

Order

in

C.M.P.Nos.21459, 21461 and 21466 of 2018

IN S.A.No.1822 of 2001

AND C.M.P.Nos.21467, 21469 and 21471 of 2018

IN S.A.No.1823 of 2001

Date :10/12/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
TP(22/12/2021)