



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Fourteenth day of December Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CMP(MD) No.4083 to 4085 of 2020

IN

AS (MD) No.24 of 2017

1 MAHESWARI
2 RAMAR
3 LAKSHMANAN
4 VIJAYA
5 RAFIQUE
6 MOHAMADHA BEGAM

... PETITIONERS/APPELLANTS
IN ALL THE PETITIONS

Vs

1 SIVANESAPANDIAN
2 SRIRAMKUMAR
3 SARAVANA KUMAR,
4 PRIAMUGI BOURNA
5 ALAGARSAMY (DIED)
6 GUNESEKARAN
7 PADMA
8 SARVESWARAN

...RESPONDENTS 1 TO 8/ RESPONDENTS 1 TO 8
IN ALL THE PETITIONS

9 DHANALAKSHMI
10 RUBAN KUMAR
11 SANTHOSH KUMAR

... RESPONDENTS 9 TO 11/PROPOSED
RESPONDENTS 9 TO 11
IN ALL THE PETITIONS

Prayer in CMP(MD) . 4083/ 2020 :

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 1350 days in filing the application to set aside the abatement caused in respect of the deceased 5th Respondent in A.S(MD)No. 24 of 2017 on the file of this Hon`ble Court.

**Prayer in CMP(MD) . 4084/ 2020 :**

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the abatement caused in respect of the deceased 5th Respondent in A.S(MD) No. 24 of 2017 on the file of this Hon`ble Court .

Prayer in CMP(MD) . 4085/ 2020 :

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to bring on record the Respondents 9 to 11 herein as the legal heirs of the deceased 5th Respondent and implead them as Respondents 9 to 11 in A.S(MD)No. 24 of 2017 on the file of this Hon`ble Court.

PRAYER IN AS (MD) No.24 of 2017:

To set aside the judgment and decree dated 27.11.2015 made in O.S.No.77 of 2014 on the file of the Additional District Court, Dindigul and dismissed the suit with cost by allowing the appeal.

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 MR.A.ARUMUGAM, Advocate for M/S.AJMAL ASSOCIATES, for the petitioner in all the petitions and of M/S.M.ANBARASI, Advocate on behalf of the Respondents 1 to 4 in all the petitions, the court made the following order:-

C.M.P(MD) No.4083 of 2020 is filed to condone the delay of 1350 days in filing the petition to set aside the abatement caused due to the death of the fifth respondent in A.S.(MD)No.24 of 2017.

2.C.M.P(MD)No.4084 of 2020 is filed to set-aside the abatement caused due to the death of the deceased fifth respondent.

3.C.M.P(MD)No.4085 of 2020 is filed to bring on record the respondent Nos.9 to 11 herein as legal heirs of the deceased fifth respondent and rank them as respondent Nos.9 to 11 in A.S.(MD).No.24 of 2017.

4.Heard the learned counsel appearing for the Petitioners and perused the materials placed before this Court.

5.For the reasons assigned in the accompanying affidavits filed in support of these Petitions and on being satisfied with the same, these Petitions are ordered on condition that the petitioner is directed to pay a sum of Rs.2,000/- (Rupees Two Thousand Only) to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank



Saving Account No.496039124, IFSC Code: IDIB000H040), on or before 06.01.2022.

6.Registry is directed to carry out necessary amendments in the cause-title of the appeal papers and post the main appeal on 07.01.2022.

sd/-

14/12/2021

/ TRUE COPY /

/ /2021

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 ADDITIONAL DISTRICT JUDGE,
DINDIGUL.

COPY TO

THE OFFICER INCHARGE
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI-625 023

ORDER

IN

CMP(MD) No.4083 to 4085 of 2020

IN

AS(MD) No.24 of 2017

Date :14/12/2021

VB/VR/SAR-I/30.12.2021/3P/3C