



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

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

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

C.M.P (MD) Nos.7193,7194,7196 and 7173 of 2021
in
S.A. (MD) No.116 of 2017

VELAMMAL @ VELUTHAI

... PETITIONER/ APPELLANT
in all the petitions

Vs

1 MADHURAM
2 SWAMYDOSS
3 ANNADURAI (DIED)
4 ASIRVATHAM (DIED)
5 JOHN RAMESH
6 VASANTHI
7 MARY MALLIGA
8 GHANDHIMATHI

... 1 TO 8 RESPONDENTS/ 1 TO 8 RESPONDENTS
in all the petitions

9 A.CHANDRA
10 A.AKILA
11 A.GNANAPRAKASAM

... 9 TO 11 RESPONDENTS/
PROPOSED RESPONDENTS 9 TO 11/
LR's OF THE DECEASED 3rd RESPONDENT
in all the petitions

12 A.VANI
13 A.GNANARAVI
14 A.DAVID

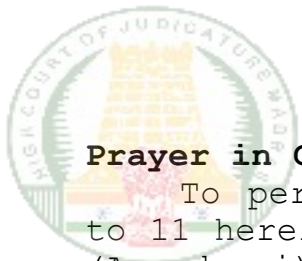
...12 TO 14 RESPONDENTS/
PROPOSED RESPONDENTS 12 TO 14/
LR's OF THE DECEASED 4th RESPONDENT
in all the petitions

Prayer in CMP(MD) . 7193/ 2021 :

To condone the delay of 604 days in filing the petition to set aside the abatement cause due to the death of the 3rd respondent (Late.Annadurai) in the Second Appeal in S.A.(MD).No.116 of 2017 before this Hon'ble court and thus render justice.

Prayer in CMP(MD) . 7194/ 2021 :

To set aside the abatement of the Appeal caused due to the death of the 3rd Respondent (Late Annadurai) in the Second Appeal in S.A.(MD).No.116 of 2017 before this Hon'ble Court and thus render justice.



Prayer in CMP(MD) . 7196/ 2021 :

To permit the petitioner to bring on record the Respondents 9 to 11 herein as legal representatives of the deceased 3rd Respondent (Annadurai) and rank them as the 9 to 11 Respondents in Second Appeal in S.A.(MD).No.116 of 2017 before this Hon'ble court and thus render justice.

Prayer in CMP(MD) . 7173/ 2021 :

To permit the petitioner to bring on Record the respondents 12 to 14 herein as legal representatives of the deceased 4th respondent (Asirvatham) and rank them as the 12 to 14 respondents in Second Appeal in S.A(MD).No.116 of 2021 before this Hon'ble Court and thus render justice.

PRAYER IN S.A.(MD)No.116 of 2017:

To allow this Second appeal by setting aside the judgment and decree passed by the III Additional District Judge, Tirunelveli in A.S.No.17 of 2015 dated 24.06.2016 confirming the judgment and decree passed by Sub Court, Sankarankovil in O.S.No.76 of 2012 dated 09.01.2015.

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.S.MUTHURAMAN, Advocate for the petitioner in all the petitions and of Mr.R.KRISHNAN, Advocate for the Respondents 1 to 5 in all the petitions, the court made the following order:-

These applications have been filed to condone the delay of 604 days in filing the petition to set aside the abatement caused to the death of the 3rd respondent (Late Annadurai) in the above second appeal and to set aside the abatement caused due to the death of the third respondent and to bring on record the respondents 9 to 11 herein as legal representatives of the deceased third respondent (late Annadurai) and rank them as respondents 9 to 11 in the second appeal and to bring on record the respondents 12 to 14 herein as legal representatives of the deceased fourth respondent (Asirvatham) and rank them as respondents 12 to 14 in the second appeal.

2.Heard the learned counsel appearing on either side and persued the materials available on record.

3. In order to give effective justice in the second appeal, it is just and necessary that the legal representatives should be brought on record in this Second Appeal. Consequently, these applications are allowed on condition that the Petitioner pays a sum of Rs.1000/-(Rupees One thousand only) as costs to the Government Higher Secondary School, Y. Othakadai, Madurai, (Current Account No.10968750674, State Bank of India, Tallakulam Branch, IFSC



Code No.SBIN0000253) on or before 30.12.2021, failing which, these petitions shall stand automatically dismissed, without further reference to this Court.

sd/-
21/12/2021

/ TRUE COPY /

WEB COPY

/ /2021

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

TO
1 THE III ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI.

2 THE SUBORDINATE JUDGE,
SANKARANKOVIL.

COPY TO:
THE HEAD MASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
Y. OTHAKADAI, MADURAI.

+1 CC to M/s.S.MUTHURAMAN, Advocate (SR-9624[I] dated 22/12/2021)

ORDER IN
C.M.P (MD) Nos.7193,7194,7196
and 7173 of 2021
in S.A. (MD)No.116 of 2017
Date :21/12/2021

AAV
MS/JC/SAR-2/27.12.2021/3P.5C