



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

Tuesday, the Twenty Fourth day of August Two Thousand and Twenty One
PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CMP(MD)Nos.5636, 5638, 5641, 5642 & 5643 of 2021
in
SA(MD)No.239 of 2010

1 KUMARASAMY NADAR (DIED)
2 SELLAVADIVU
3 SELVA JAYASEELAN
4 JAYAKUMAR
5 VIJAYALAKSHMI
6 JAYARAM
7 RAJARAM
8 JAGASELVAN

... PETITIONERS / APPELLANTS
IN ALL THE PETITIONS

Vs

1 SOMASUNDARAM NADAR (DIED)
2 DURAI PAZHAM @ KUTTY NADAR
3 ANNAPANDI
4 INDIRA SELVI
5 RAVICHANDRAN

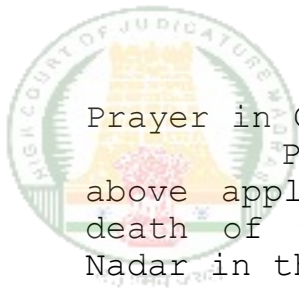
... RESPONDENTS/ RESPONDENTS
IN ALL THE PETITIONS

6 NATARAJA KANI
7 RAVIKUMAR ... RESPONDENTS 6 AND 7/ PROPOSED RESPONDENTS 6 AND 7
IN ALL THE PETITIONS
8 THANGAPAZHAM
9 SELVA SEKAR
10 JAYA GOWRI ... RESPONDENTS 8 TO 10/PROPOSED RESPONDENTS 8 TO 10
IN CMP(MD)Nos.5641, 5642 & 5643 of 2021

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to record the 4th respondent herein viz., Indira Selvi as legal heirs of the deceased 1st respondent in the above second appeal in SA(MD)No.239 of 2010.

Prayer in CMP(MD).5638/ 2021 :

Pleased to bring on record the proposed respondents 6 and 7 as legal heirs of the deceased 1st respondent viz., Somasundaram Nadar and rank them as respondents 6 and 7 in the above Second Appeal in SA(MD)No.239 of 2010.



Prayer in CMP(MD).5641/ 2021 :

Pleaded to condone the delay of 2126 days in filing the above applications to set aside the abatement caused due to the death of the deceased 2nd respondent viz., Duraipandian @ Kutty Nadar in the above second appeal in SA(MD)No.239 of 2010.

Prayer in CMP(MD).5642/ 2021 :

Pleaded to set aside the abatement caused due to the death of deceased 2nd respondent viz., Duraipazham @ Kutty Nadar in the above Second Appeal in SA(MD)No.239 of 2010.

Prayer in CMP(MD).5643/ 2021 :

Pleaded to bring on record proposed respondents 8 to 10 herein as legal heirs of deceased 2nd respondent viz., Duraipazham @ Kutty Nadar and rank them as respondents 8 to 10 in the above Second Appeal in SA(MD)No.239 of 2010.

Prayer in SA(MD)No.239 of 2010:

To prefer this Memorandum of Second Appeal against the Judgment and Decree Passed in A.S.No.89 of 2007 on the file of Subordinate Judge, Valliyoor dated 16.11.2009 confirming the Judgment and Decree of the Trial Court passed in O.S.No.7 of 2004 on the file of Learned Principal District Munsif Court, Valliyoor, dated 16.10.2006.

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.M.P.SENTHIL, Advocate for the petitioners in all the petitions and of MR.A.ARUMUGAM, Advocate for the 5th respondent in all the petitions, the court made the following order:-

The second respondent Duraipazham @ Kutty Nadar has passed away. Hence, CMP(MD)No.5641 of 2021 has been filed to condone the delay of 2126 days in filing the application to set aside the abatement caused due to the death of the second respondent Duraipazham @ Kutty Nadar. CMP(MD)No.5642 of 2021 is filed to set aside the abatement. The first respondent Somasundaram Nadar has also passed away. Therefore, CMP(MD)No.5638 of 2021 is filed to bring on record his legal heirs. CMP(MD)No.5643 of 2021 is filed to bring on record the legal heirs of the deceased second respondent Duraipazham @ Kutty Nadar. The fourth respondent herein Indira Selvi is the daughter of the deceased first respondent. CMP(MD) No.5636 of 2021 is filed to record her as one of the legal heir of the deceased first respondent Somasundaram Nadar.

2.The learned counsel for the appellants undertakes to deposit a sum of Rs.3000/- as cost in favour of Immage Public Charitable Welfare Trust, Thevaram in Ac No.831270187, IFSC : IDIB000T016 within a period of two weeks from the date of receipt of copy of this order.



3. Recording the said undertaking, these civil miscellaneous petitions are allowed.

sd/-
24/08/2021

/ TRUE COPY /

WEB COPY

/ /2021

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

TO

1 THE SUBORDINATE JUDGE, VALLIYOOR.

2 THE PRINCIPAL DISTRICT MUNSIF, VALLIYOOR.

COPY TO:

THE OFFICER INCHARGE,
IMMAGE PUBLIC CHARITABLE WELFARE TRUST, THEVARAM.

ORDER
IN
CMP (MD) Nos. 5636, 5638, 5641, 5642 &
5643 of 2021
in
SA (MD) No. 239 of 2010
Date : 24/08/2021

SKM
MK/JM/SAR.III/31.08.2021/3P/4C