



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

Friday, the Eighth day of October Two Thousand and Twenty One

PRESENT

WEB COPY

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

CMP(MD) No.8422 of 2021 IN
SA(MD) No.981 of 2005

KUMARASWAMY NADAR

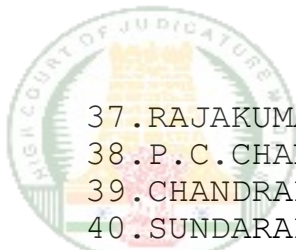
... PETITIONER/4th RESPONDENT

Vs

1. THANGAPPAN (DIED)

... 1st RESPONDENT/APELLANT

2. RAJAYYAN
3. AMBROSE
4. RADHA
5. SINGARAYAN
6. RAMAKRISHNAN
7. SINDU KUMAR
8. CHELLAPPAN S/O.CHINNAKANNU
9. CHELLAPPAN S/O.KOCHUPODI
- 10.CHINNAPPILLAI
- 11.RATHINAMMA
- 12.SAM SATHIYADASS
- 13.SAMUEL
- 14.VALSALAM
- 15.NELSON
- 16.CHELLAN
- 17.PONNUSAMY
- 18.KAMARAJ
- 19.SAROJINI
- 20.VIJAYAKUMARI
- 21.GOPALAN
- 22.VIJAYAKUMARAN
- 23.PACHU NADATHI
- 24.CHELLAPPAN NADAR
- 25.SUNDARADASS
- 26.CHELLAIYAN
- 27.SELVARAJ
- 28.SADHASIVAN
- 29.GANESAN
- 30.THANGAPPAN
- 31.THANGASWAMY S/O.MUTHUSAMY
- 32.TITUS
- 33.JABAGNANAM
- 34.THANGASWAMY S/O.MUTHUSWAMY NADAR
- 35.RAJAKUMAR
- 36.RAVI



37.RAJAKUMAR S/O.SINGARAJAN
38.P.C.CHANDRASEKARAN
39.CHANDRALAL
40.SUNDARALAL
41.GOMATHY

... RESPONDENTS/APPELLANT AND
RESPONDENTS 1 TO 3 AND 5 TO 41

(*) 42.JAINI

43.JEGAN

44.JEGATHEESH

45.JENISH

... RESPONDENTS

**(*) (RESPONDENTS 42 TO 45 ARE BROUGHT ON RECORD AS LRS OF THE
DECEASED 1st RESPONDENT IN VIEW OF THE ORDER DATED 08.10.2021
MADE IN CMP(MD) Nos.8449, 8450 & 8451/2021 in SA(MD) NO.981/2005).**

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the petitioner to repair my building, bearing Door No.8/56 of Vilathurai Village Panchayat, in Survey No.1109 of Kunnathoor Village, Vilavancode Taluk, Kanyakumari District, which is subject matter of the above Second Appeal, pending disposal of the above second appeal.

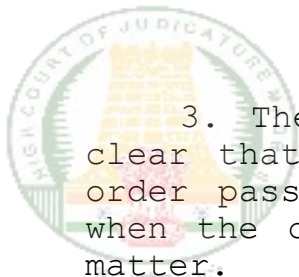
PRAYER IN SA(MD) No.981 of 2005 :

To prefer this Memorandum of Second Appeal before this Hon'ble Court against the Judgment and Decree dated 27.01.2004 passed in A.S.No.128/1997 by the Sub Court, Kuzhithurai by reversing the Judgment Decree passed in O.S.No.77/1976 dated 7.4.1997 on the file of Principal District Munsif, Kuzhithurai.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.N.THAMPI, Advocate for the petitioner and of MR.T.S.R.VENKATARAMAN, Advocate for the Respondents No.1, 2 and 13 and Mr.K.SREE KUMARAN NAIR and Mr.S.GOKULRAJ, Advocate for the Respondent No.3 and Mr.V.M.BALAMOHAN THAMBI, Advocate for the 6th Respondent and Respondent No.38 & 39 not appearing either in person or through by an advocate, the court made the following order:-

The petitioner herein is figuring as fourth respondent in the second appeal. The grievance of the petitioner is that the house in which he is presently residing had virtually fallen down due to rain. He wants permission of this Court to repair the petition mentioned building.

2. Though this was objected by some of the learned counsel appearing for the respondents, I am of the view that the permission sought for can be granted subject to the outcome of the second appeal.



3. The learned counsel appearing for the petitioner makes it clear that the petitioner will not claim any equity based on the order passed by this Court and he further undertakes that as and when the case is listed for hearing, he would get along with the matter.

4. In view of the submission made by the learned counsel appearing for the petitioner, this civil miscellaneous petition is allowed.

sd/-
08/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: 1. 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

1. THE SUBORDINATE JUDGE,
KUZHITHURAI.

2. THE PRINCIPAL DISTRICT MUNSIF,
KUZHITHURAI.

+1 CC to M/s.J.ANANDHAVALLI, Advocate (SR-7141[I] dated 08/10/2021)

+1 CC to M/s.K.N.THAMBI, Advocate (SR-7102[I] dated 08/10/2021)

ORDER
IN
CMP(MD) No.8422 of 2021 IN
SA(MD) No.981 of 2005
Date :08/10/2021

USK/JM/SAR-IV/ (08.10.2021) 3P-5C