



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

Monday, the Eighth day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice PUSHPA SATHYANARAYANA
and
The Hon`ble Mrs.Justice S.KANNAMMAL

CMP (MD) No.6559 of 2019

IN

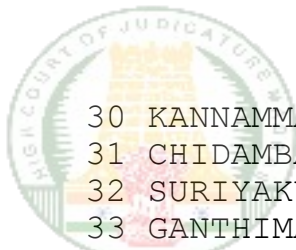
AS (MD) No.127 of 2014

K.VASUGI

... PETITIONER/ APPELLANT

Vs

1 PARAMASIVAM
2 USHA
3 MUTHULAKSHMI
4 NAGARATHINAM
5 KARTHIK,
6 KATHIKEYAN
7 NARAYANASAMY
8 PAPPU @ SUNNAMMAL
9 MEENA
10 SOMASUNDARI
11 MUTHUKRISHNAN
12 SHANMUGASUNDARI
13 MEENAKUMARI
14 MADURAMBIGAI
15 DHANLAKSHMI
16 MOHANAMBAL
17 P.MURUGESAN
18 B.MUTHUKUMAR
19 B.ANNAPURNANAM,
20 B.MEENAKUMARI
21 B.KUTTI
22 B.ANANTHI
23 PAPPA
24 V.Boomikumar
25 V.SUBBAIAH
26 PARASAKTHI
27 MINOR.DEEPAN RAM,
28 MINOR.SRI SARANYADEVI
(Minor Respondents 27 to 28 represent by their
Guardian Mother Parasakthi as 26th Respondent)
29 RAMESHBABU



30 KANNAMMAL
31 CHIDAMBARAM
32 SURIYAKUMAR
33 GANTHIMATHI
34 VIJAYALAKSHMI

... RESPONDENTS/ RESPONDENTS

(R30 to 34 Remained Ex-parte.

Hence Notice may be dispensed with)

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 order dated 04.07.2018 made in A.S.(MD).No. 127 of 2014 dismissed the appeal suit as against the Respondents 1 and 7 for default and to restore the appeal suit as against the respondents 1 and 7 and thus render justice.

PRAYER IN AS(MD) No.127 of 2014:

To set aside the judgment and decree in O.S.No.18 of 2005 dated 21.03.2014 on the file of the learned Additional District Cum Sessions Judge, Dindigul, and thereby allow the First Appeal.

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 Mr.P.DHANASEKARAN, Advocate for the petitioner and of Mr.H.LAKSHMI SHANKAR, Advocate for the Respondents 2 to 6 and 8 to 29, the court made the following order:-

(Order of the Court was made by **PUSHPA SATHYANARAYANA, J**)

This Petition is filed to set aside the order made in A.S(MD) No.127 of 2014, in dismissing the Appeal Suit as against the respondents 1 and 7 for default and to restore the Appeal Suit as against the respondents 1 and 7.

2.Heard the learned counsel appearing on either side and perused the materials placed before this court.

3.It is represented by the learned counsel appearing on behalf of respondents 2 to 6 and 8 to 29 that the first respondent namely, Paramasivam and the 7th respondent namely, Narayanasamy died even before the appeal suit being filed and their estate is being sufficiently represented.

4.In view of the above, this Petition stands dismissed.

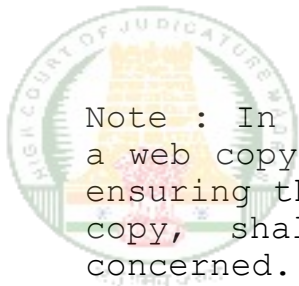
sd/-

08/03/2021

/ 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.

WEB COPY

TO
THE ADDITIONAL DISTRICT CUM SESSIONS JUDGE,
DINDIGUL.

ORDER
IN
CMP (MD) No.6559 of 2019
IN
AS (MD) No.127 of 2014
Date :08/03/2021

vsn
MS/PN/SAR-1/11.03.2021/3P.2C