



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

Wednesday, the Seventeenth day of November Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice R. VIJAYAKUMAR

C.M.P(MD)Nos.6892 & 6894 of 2021
in
S.A(MD) No. 859 of 2005

1 RAMALINGAM
2 A.SUBBAIAN (DIED)
3 A.KRISHNAN

... PETITIONERS/ APPELLANTS
IN BOTH THE PETITIONS

4 SANTHI
5 KRISHNAPRIYA
6 DHIVYA

... PROPOSED PETITIONERS 4 TO 6/ APPELLANTS
IN BOTH THE PETITIONS

Vs

1 M.KAMALA AMMAL
2 VELAYUDHAM

... RESPONDENTS/ RESPONDENTS
IN BOTH THE PETITIONS

Prayer in CMP(MD). 6892/ 2021 :

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 due to the death of the 2nd appellant namely Subbaian in SA(MD)No.859 of 2005.

Prayer in CMP(MD). 6894/ 2021 :

To bring on record of the proposed appellants 4 to 6 as the legal representatives of the deceased 2nd appellant namely Subbaian and rank them as appellants 4 to 6 in SA(MD)No.859 of 2005.

PRAYER IN S.A(MD) No. 859 of 2005:

To prefer this memorandum of second appeal against the judgment and decree made in A.S.No.162/2000 the file of the IInd Additional District Court, Tiruchirappalli dated 27.06.2001 reversing the judgment dismissing the suit filed in O.S.No.5/1982 on the file of District Munsif Court, Tiruchirappalli, dated 28.04.2000.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and after hearing the arguments of Mr.V.CHANDRASEKARAN, Advocate for



the petitioner in both the petitions, the court made the following order:-

The present applications have been filed to set aside the abatement caused due to the death of second appellant namely Subbaian in S.A.(MD) No.859 of 2005 and to bring on record of the proposed appellants 4 to 6 as the legal representatives of the deceased second appellant namely Subbaian and rank them as appellants 4 to 6 in the above Second Appeal. There is no delay in filing this application.

2. Being satisfied with the reasons stated in the affidavit filed in support of these petitions, these petitions are ordered.

3. Post the appeal for "final hearing" on 01.12.2021.

sd/-

17/11/2021

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/ /2021

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

TO

1 THE II ADDITIONAL DISTRICT JUDGE,
TRICHY.

2 THE DISTRICT MUNSIF,
TRICHY.

ORDER IN

C.M.P (MD) Nos.6892 & 6894 of 2021
in

S.A(MD) No. 859 of 2005

Date :17/11/2021

MK/PN/SAR.I/22.11.2021/2P/3C