



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

Wednesday, the Twenty Second day of September Two Thousand and
Twenty One

WEB COPY

PRESENT

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

CMP(MD) Nos.7431,7433 & 7434 of 2021
in
SA(MD)No.429 of 2014

1 M.MUTHAMMAL,

2 P.SUBBIAH,

3 R. SIVATHANU,

4 C. NAINA MOHAMMED,
REP BY HIS POWER OF ATTORNEY HOLDER
MOHAMMED ALI,

5 A. VVAIKAL MOHASOOTHU ALI,
REP BY HIS POWER OF ATTORNEY,
F.M.PEER MOHAMMED,

... PETITIONER/APELLANTS

Vs

S. MURUGAN (DIED),
M. SUBRAMONIAN (DIED),

1 M. PARADESI

2 M. SANTHINI,

3 M. JAMUNA,

4 M. KAVITHA,

5 S. UMA,

6 S. MAHALAKSHMI,

7 S. VENKATESH,

... RESPONDENTS/ RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 1060 days in filing an application to set aside the abatement caused by the death of the 2nd respondent in the above second appeal.



Prayer in CMP(MD) . 7433/ 2021 :

To set aside the abatement caused due to death of the 2nd respondent in the above second appeal.

Prayer in CMP(MD) . 7434/ 2021 :

To bring on record the respondents 5 to 7 herein as the respondents 5 to 7 in the above second appeal as legal representatives of the deceased 2nd respondent and thus render justice.

Prayer in SA(MD)NO.429 OF 2014:

To set aside the judgment and decree in A.S.No.67 of 2012 on the file of the Principal Sub Court, Nagercoil, dated 21.10.2013 confirming the decree and judgment in O.S.No. 665 of 2009 on the file of the Principal District Munsif Court, Nagercoil, dated 08.03.2012.

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.C.SANKAR PRAKASH, Advocate for the petitioner, the court made the following order:-

In view of the order already passed on 06/09/2021 bringing the legal heirs on record on suo motu basis, these petitions are closed.

sd/-
22/09/2021

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

TO

- 1 THE PRINCIPAL SUBORDINATE JUDGE,
NAGERCOIL.
- 2 THE PRINCIPAL DISTRICT MUNSIF COURT,
NAGERCOIL.

ORDER
IN
CMP(MD) No.7431,7433
& 7434 of 2021
in
SA(MD)No.429 of 2014
Date :22/09/2021

PKP/VR/SAR-4/27.09.2021/2P/3C