



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

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

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PRESENT

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

C.M.P. (MD) Nos.7609, 7611, 7612, 7613, 7614, 7615 & 7691 of 2021
IN
S.A. (MD) No.1042 of 2005

- 1 R.PERUMALAKKAL
- 2 S.SHANMUGATHAI,
- 3 S.SHANMUGA REDDIYAR,
(DIED ON 25.05.2018)
- 4 R.OVAMMAL,
(DIED ON 10.08.2006)
- 5 C.SHANMUGATHAI
- 6 S.SUBBULAKSHMI

...PETITIONERS/APPELLANTS
IN ALL PETITIONS

- 7 RAMASAMY
- 8 SUBBIAH

...7 & 8 PETITIONERS/PROPOSED
APPELLANTS 7 & 8/
LR's OF DECEASED 4TH APPELLANT
IN ALL PETITIONS

- 9 SELVARAJ
- 10 RAMALINGAM

... 9 & 10 PETITIONERS/PROPOSED
APPELLANTS 9 & 10/
LR's OF DECEASED 3RD APPELLANT
IN ALL PETITIONS

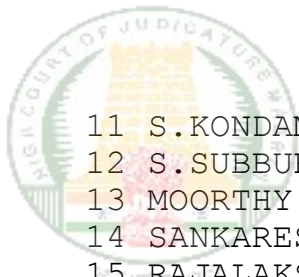
Vs

- 1 S.KONDU REDDIYAR (DIED)
- 2 C.SUBBUTHAI (DIED)
- 3 S.SANGA REDDIYAR (DIED)
- 4 S.SUNDARA REDDIYAR (DIED)
- 5 M. LAKSHMIAMMAL (DIED)
- 6 M.VALLIAMMAL

....RESPONDENTS/RESPONDENTS
IN ALL PETITIONS

- 7 K.VEERALAKSHMI
- 8 K.MARIAPPAN
- 9 GURUVAMMAL
- 10 K.RAMESH

... 7 TO 10 RESPONDENTS/RESPONDENTS 7 TO 10
LR's OF THE DECEASED 1ST RESPONDENT
(KONDU REDDIYAR)
IN ALL PETITIONS



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11 S.KONDAMMAL
 12 S.SUBBURAJ
 13 MOORTHY
 14 SANKARESWARI
 15 RAJALAKSHMI

... 11 TO 15 RESPONDENTS/RESPONDENTS 11 TO 15
 LR's OF THE DECEASED 3RD RESPONDENT
 (SANGA REDDIYAR)
 IN C.M.P.(MD)Nos.7609, 7611, 7612 of 2021

... 11 TO 15 RESPONDENTS/RESPONDENTS 11 TO 15
 LR's OF THE DECEASED 2ND RESPONDENT
 (SANGA REDDIYAR)
 IN C.M.P.(MD)Nos.7613, 7614, 7615 & 7691 of 2021

16 GURUSAMY REDDIYAR .. 16TH RESPONDENTS/16TH RESPONDENTS
 LR's OF THE DECEASED 5TH RESPONDENT
 (LAKSHMIAMMAL)
 IN ALL PETITIONS

17 SHANMUGATHAI
 18 THAMAYANTHI
 19 RAMACHANDRAN
 20 PERUMALAKKAL

... 17 TO 20 RESPONDENTS/RESPONDENTS 17 TO 20
 LR's OF THE DECEASED 4TH RESPONDENT
 (S.SUNDARA REDDIYAR)
 IN ALL PETITIONS

21 CHIDAMBARA REDDIAR
 22 KALIRAJ
 23 GURUVAMMAL
 24 SHANMUGATHAI
 25 KAILASAM

... 21 TO 25 RESPONDENTS/RESPONDENTS 21 TO 25/
 LR's OF THE DECEASED 2ND RESPONDENT
 (S.SUBBUTHAI)
 IN ALL PETITIONS

Prayer in CMP(MD). 7609 of 2021 :

To condone the delay of 4826 days in filing the petition to set-aside the abatement caused due to the death of the 4th Appellant (Late Ovammal) in the Second Appeal in S.A.No. 1042 of 2005 before this Honourable Court.

Prayer in CMP(MD). 7611 of 2021 :

To set-aside the abatement caused due to the death of the 4th Appellant (Late Ovammal) in the Second Appeal in S.A.No. 1042 of 2005 before this Honourable Court.

Prayer in CMP(MD). 7612 of 2021 :

<https://hcservices.ecourts.gov.in/hcservices/> To permit the petitioner to bring on record the proposed Appellants 7 and 8 herein as legal representatives of the deceased



4th Appellant (Late Ovammal) and rank them as the 7 and 8 Appellants in the main Second Appeal in S.A.No. 1042 of 2005 before this Honourable Court.

Prayer in CMP(MD). 7613 of 2021 :

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To condone the delay of 519 days in filing the petition to set-aside the abatement caused due to the death of the 3rd Appellant (Late S. Shanmuga Reddiyar) in the Second Appeal in S.A.No. 1042 of 2005 before this Honourable Court.

Prayer in CMP(MD). 7614 of 2021 :

To set-aside the abatement caused due to the death of the 3rd Appellant (Late S. Shanmuga Reddiyar) in the Second Appeal in S.A.No. 1042 of 2005 before this Honourable Court.

Prayer in CMP(MD). 7615 of 2021 :

To permit the petitioner to bring on record the proposed Appellants 9 and 10 herein as legal representatives of the deceased 3rd Appellant (Late Shanmuga Reddiyar) and rank them as the 9 and 10 Appellants in the main Second Appeal in S.A.No. 1042 of 2005 before this Honourable Court.

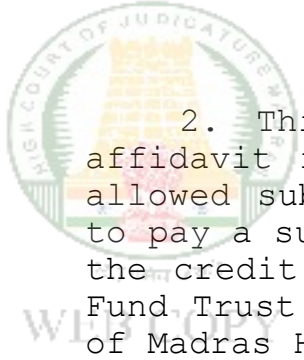
Prayer in CMP(MD). 7691 of 2021 :

To AMEND the cause title of the 6th Appellant husband's name as S.Shanmuga Reddiyar, instead of Sundara Reddiyar and remove the Proposed 17th Respondent/S.Shanmugathai who is already on record and also correct the number of array of the Respondents in the main Second Appeal in S.A.No. 1042 of 2005 before this Honourable Court.

PRAYER IN S.A.(MD)No.1042 of 2005:

To set aside the judgment and decree passed in A.S.19 of 2003 on the file of the Sub Court, Kovilpatti confirming the judgment and decree passed in O.S.No.135 of 2001 on the file of the District Munsif Court, Kovilpatti by allowing this Second Appeal and thereby dismiss the suit in O.S.No.135 of 2001 on the file of the District Munsif Court, Kovilpatti.

ORDER :These petitions 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.D.NALLATHAMBI, Advocate for the petitioners and of MR.GPRABHU RAJADURAI, Advocate on behalf of the 1st Respondent and MR.M.P.SENTHIL, Advocate for the Respondent 7 to 10 and MR.S.PONSENTHILKUMARAN, Advocate for 17,18 and 20 for the Respondents, the court made the following order:-



2. This Court is satisfied with the reasons stated in the affidavit filed in support of these petitions. These petitions are allowed subject to the condition that the petitioners are directed to pay a sum of Rs.1,000/- (Rupees One Thousand only) towards cost to the credit of Madurai Bench of Madras High Court Advocates Welfare Fund Trust in current A/c. No.7087208431, Indian Bank, Madurai Bench of Madras High Court Branch, IFSC : IDIB000H040.

3. Registry to make necessary changes in the cause title and list the second appeal for final hearing on 22.10.2021.

Sd/-
01/10/2021

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/ /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.

TO

1.THE SUBORDINATE JUDGE, KOVILPATTI.

2.THE DISTRICT MUNSIF, KOVILPATTI.

COPY TO

THE OFFICER INCHARGE,
ADVOCATES WELFARE FUND TRUST
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1cc to MR.D.NALLATHAMBI, Advocate 6892

ORDER
IN
C.M.P. (MD) Nos.7609, 7611, 7612,
7613, 7614, 7615 & 7691 of 2021
IN
S.A. (MD) No.1042 of 2005
Date :01/10/2021