



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

Tuesday, the Twenty First day of December Two Thousand and Twenty One

PRESENT

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The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

C.M.P (MD) Nos.9256, 9258 and 9259 of 2021
in
S.A. (MD) No.229 of 2017

1 RAMASAMY
2 SHANMUGASUNDARAM

... PETITIONERS/ APPELLANTS
in all the petitions

Vs

PALANIYAPPAN (DIED)

1 RAJENDRAN
2 CHELLAMMAL (DIED)

... 1st RESPONDENT/ 1st RESPONDENT
in all the petitions

3 KRISHNAN

... 3rd RESPONDENT/ 3rd PROPOSED RESPONDENT
in all the petitions

Prayer in CMP(MD) . 9256/ 2021 :

To condone the delay of 1800 days to set aside the abatement caused due to the death of the 2nd respondent in the above said S.A. (MD).No.229 of 2017 and thus render justice.

Prayer in CMP(MD) . 9258/ 2021 :

To set aside the abatement caused by death of the 2nd respondent in the second appeal in SA(MD).No.229 of 2017 and thus render justice.

Prayer in CMP(MD) . 9259/ 2021 :

To bring on record the proposed 3rd respondent as the legal heirs of the deceased 2nd respondent and rank him as 3rd respondent in the Second Appeal in S.A.(MD)No.229 of 2017.

PRAYER IN S.A. (MD) No.229 of 2017:

To set aside the fair and decreetal order passed in A.S.No.150 of 2007 on the file of Sub Court, Pudukkottai dated 08.09.2015 confirming the decree and judgment passed in O.S.No.177 of 2001 dated 29.01.2007 on the file of District Munsif Court, Aranthangi and allow this Second Appeal.



ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.K.BAALASUNDHARAM, Advocate for the petitioners in all the petitions, the court made the following order:-

These applications have been filed to condone the delay of 1800 days to set aside the abatement caused due to the death of the second respondent, to set aside the abatement caused by death of the second respondent, to bring on record the proposed third respondent as legal heirs of the deceased second respondent and rank him as third respondent in the above second appeal.

2.Heard the learned counsel appearing for the petitioner and perused the materials placed before this Court.

3. In order to give effective justice in the second appeal, it is just and necessary that the legal representatives should be brought on record in this Second Appeal. Consequently, these applications are allowed.

sd/-
21/12/2021

/ TRUE COPY /

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

TO
1 THE SUBORDINATE JUDGE,
PUDUKKOTTAI.

2 THE DISTRICT MUNSIF,
ARANTHANGI.

ORDER IN
C.M.P(MD)Nos.9256, 9258 and 9259 of 2021
in S.A.(MD)No.229 of 2017
Date :21/12/2021

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MS/VR/SAR-4/27.12.2021/2P.3C