



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Ninth day of December Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice R.VIJAYAKUMAR

C.M.P (MD) Nos. 8848, 10429 & 10434 of 2021

in

S.A.No.1513 of 2001

SHANMUGAVADIVU

... PETITIONER/APPELLANT
IN ALL THE PETITIONS

Vs

1 MUTHIAH NADAR (DIED)

2 JEYA KUMAR

3 SACCO BRIGHT

4 SUKUMAR

5 NAINAR NADAR (DIED)

6 HYATH BATCH

7 IBRAHIM

... RESPONDENTS/RESPONDENTS
IN ALL THE PETITIONS

8 MARGARET MALINI

9 SUGUMARI

... RESPONDENTS 8&9/
PROPOSED RESPONDENTS 8&9
IN ALL THE PETITIONS

10 N.SANTHANAMARI

11 C.LAKSHMI

12 S.PARVATHI

13 A.RAJAKUMARI

14 N.RAJA

15 N.SUBRAMANIAN (DIED)

16 S.GOMATHI

17 N.SUBBAMMAL (DIED)

18 P.ARUMUGAM

19 P.THANKARAJ

20 P.KUMAR

21 P.MURUGESAN

22 P.VENKATESAN

... RESPONDENTS 10 TO 22/
PROPOSED RESPONDENTS 10 TO 22
IN ALL THE PETITIONS

23 S.SHANKARI

24 S.SANTHANAMARI



25 S.NANDHINI
26 VINAYAGAMOORTHY
27 S.SUDHAKAR

... RESPONDENTS 23 TO 27/PROPOSED
RESPONDENTS 23 TO 27
IN ALL THE PETITIONS

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PRAYER IN CMP(MD) .8848/2021:

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 164 days in filing the above application seeking to restore the above miscellaneous petitions in CMP(MD) Nos.1460 to 1462 of 2019 in SA.No.1513 of 2001.

Prayer in CMP(MD) . 10429/ 2021 :

To restore the above miscellaneous Petitions in CMP(MD). Nos.1460 to 1462 of 2019 in SA.No.1513 of 2001 which was dismissed for non-compliance of the order dated 12-09-2019.

Prayer in CMP(MD) . 10434/ 2021 :

To extend the time for complying the conditional order dated 12-09-2019 passed in CMP(MD).Nos.1460 to 1462 of 2019 in SA.No.1513 of 2001 for further period of two weeks.

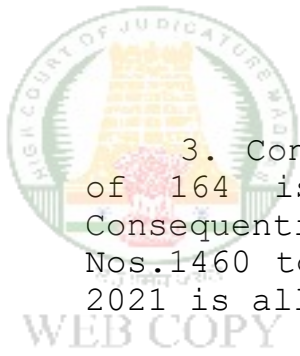
PRAYER IN SA.No.1513/2001:

To prefer this Memorandum of Grounds of Second Appeal against the Judgment and Decree of the Learned Principal District Judge, Tirunelveli passed in A.S.No.181/1999 dated 28-06-2001 as reversing the Judgment and Decree of the Learned Second Additional District Munsif, Tirunelveli passed in O.S.No.250/1995 dated 10-06-1999.

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.M.P.SENTHIL, Advocate for the petitioner in all the Petitions, the court made the following order:-

C.M.P.(MD)Nos.1460 to 1462 of 2019 were filed to condone the delay, to set aside the abatement and to bring on record respondents 23 to 27 as legal heirs of the deceased 15th respondent. The said applications were allowed by this Court on 12.09.2019 with a condition to deposit a sum of Rs.1,000/- (Rupees One Thousand only) before the Legal Services Committee within a period of one week. Since the cost was not paid, the said applications stood dismissed.

2. Now, C.M.P(MD)No.8848 of 2021 has been filed to condone the delay of 164 in filing an application to restore the said 3 C.M.P applications. C.M.P(MD)No.10429 of 2021 has been filed to restore the said application and C.M.P(MD)No.10434 of 2021 has been filed to extend the time for complying the conditional order.



3. Considering, the reasons stated in the affidavit, the delay of 164 is condoned and C.M.P(MD)No.8848 of 2021 is allowed. Consequentially, C.M.P(MD)No.10429 of 2021 is allowed and C.M.P(MD) Nos.1460 to 1462 of 2019 are restored to file. C.M.P(MD)No.10434 of 2021 is allowed granting time till 16.12.2021 for payment of cost.

4. Post on 16.12.2021.

sd/-
09/12/2021

/ TRUE COPY /

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

TO

1 THE PRINCIPAL DISTRICT JUDGE,
TIRUNELVELI.

2 THE SECOND ADDITIONAL DISTRICT MUNSIF,
TIRUNELVELI.

COPY TO:

THE OFFICER INCHARGE,
LEGAL AID SERVICE AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. **(SOFT COPY)**

**ORDER
IN**

C.M.P(MD)Nos.8848, 10429 &
10434 of 2021
in
S.A.No.1513 of 2001
Date :09/12/2021

SA/VR/SAR.3/14.12.2021/3P/3C