



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

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

WEB COPY

PRESENT

**The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN**

CMP (MD) Nos.10760, 10761 & 10762 of 2021  
IN  
SA (MD) No.463 of 2011

A.SEBASTHIYAN

... PETITIONER/APPELLANT

Vs

Y.SEBASTHIYAN (DIED)

1. JEYALOORDHU,

2 KARUNAKARAN @ RASU (DIED)

3 KRISHNAN @ ALBONES

4 DURAI (DIED)

5 THANGAM PERARASU

6 VALARMATHI

7 KENNEDY

...RESPONDENTS/RESPONDENTS

8 SELVI

9 JOYCE REX

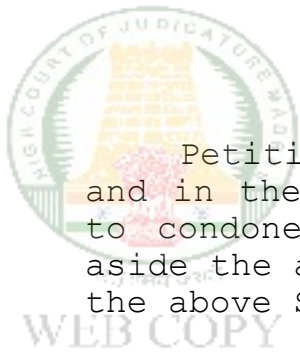
10 RUBY SMILA

11 PUNNAGAI EZHIL

12 RAJINI

13 ARASI

...RESPONDENTS 8 TO 13/  
PROPOSED RESPONDENTS 8 TO 13  
(LEGAL HEIR OF DECEASED  
RESPONDENTS 2 & 4)



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 1583 days in filing the petition to set aside the abatement caused due to the death of the 2<sup>nd</sup> respondent in the above Second Appeal in SA(MD)No.463 of 2011.

**Prayer in CMP(MD)No. 10761 OF 2021:**

To set aside the abatement caused due to the death of the 2<sup>nd</sup> respondent in the above Second Appeal in S.A(MD)No. 463 of 2011.

**Prayer in CMP(MD)No. 10762 OF 2021:**

To bring on record the Proposed Respondents 8 to 11/ Legal heirs of deceased 2<sup>nd</sup> Respondent and rank them as Respondents 8 to 11 in the above Second Appeal in S.A(MD)No. 463 of 2011.

**Prayer in SA(MD)No.463 of 2011:**

Second Appeal is filed under Section 100 of Civil Procedure Code against the judgment and decree dated 04.10.2010 and passed in A.S.No.92 of 2007 by the Hon'ble Sub Court, Sivagangai as reversing by the judgment and decree dated 28.09.2006 and passed in O.S.No. 33 of 2001 by the Hon'ble District Munsif Court Cum Judicial Magistrate, Ilayangudi.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of MR.G.PRABHU RAJADURAI, Advocate for the petitioner and of MR.A.ARUN PRASAD, Advocate on behalf of the Respondents 1,3,5 to 7 the court made the following order:-

These Miscellaneous Petitions have been filed to condone the delay of 1583 days in filing the petition to set aside the abatement caused due to the death of the second respondent in the Second Appeal; to set aside the abatement caused due to the death of the second respondent in the Second Appeal and to bring on record the proposed respondents 8 to 11 as the legal representatives of the deceased second respondent.

2. The learned counsel appearing for the respondents 1, 3, 5 to 7 has no objection for allowing these petitions.

3. Having been satisfied with the reasons assigned in the affidavit filed in support of these Miscellaneous Petitions and also the submission made by the learned counsel for the petitioner and in view of the no objection expressed by the learned counsel for the contesting respondents, these Civil Miscellaneous Petitions are ordered on condition that the petitioner pays a sum of Rs.1,000/- (Rupees One thousand only) as costs to the Government Higher Secondary School, Y. Othakadai, Madurai, (Current Account No.10968750674, State Bank of India, Tallakulam Branch, IFSC Code NO. SBIN0000253), within a period of one week from the date of



receipt of a copy of this order, failing which, this Petition shall stand automatically dismissed, without further reference to this Court.

4. Registry is directed to carry out necessary amendments in the cause title.

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,  
SIVAGANGAI.
- 2 THE DISTRICT MUNSIF CUM  
JUDICIAL MAGISTRATE,  
ILAYANGUDI.

COPY TO  
THE HEAD MASTER,  
GOVERNMENT HIGHER SECONDARY SCHOOL,  
Y.OTHAKADAI,  
MADURAI.

ORDER  
IN  
CMP (MD) Nos.10760, 10761 &  
10762 of 2021  
IN  
SA (MD) No.463 of 2011  
Date :21/12/2021

PKP/JC/SAR-4/27.12.2021/3P/4C