

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 11TH DAY OF MARCH 2022

THE HON'BLE MRS. JUSTICE BHAVANI SUBBAROYAN

A. Nos. 4435 to 4437 of 2021

in

Tr.C.S. No. 806 of 2013

Tr.C.S.No. 806 of 2013 :-

John Premkumar,
Managing Trustee,
Eternal Word Trust,
No.100, 100 Feet Road,
Vadapalani,
Chennai – 26.

... Plaintiff

-Vs-

1. Mrs. Vimala Jacob,
W/o. Jacob Chinnadurai,
2. Mrs. Judith Lidiya,
D/o. T. Jacob Chinnadurai,
3. Mr. T. Jacob Chinadurai,
S/o. Thomas,
4. Mr. Siddarat Victor,
S/o. Amarendran,

All are residing at No. 11-F,
Murugesha Nagar,
Villivakkam,
Chennai – 600 049.

... Defendants

A.Nos. 4435 to 4437 of 2021 :-

John Premkumar,
 Managing Trustee,
 Eternal Word Trust,
 No.100, 100 Feet Road,
 Vadapalani,
 Chennai – 600 026.

... Applicant / Plaintiff
 (in all applications)

-Vs-

1. Mrs. Vimala Jacob,

2. Mrs. Judith Lydiya,

T. Jacob Chinnadurai (Died)

3. Mr. Siddarat Victor,

... Respondents / Defendants
 (in all applications)

4. J. Jesuha,
 1 to 4 residing at
 No.11-F, Murugesha Nagar,
 Villivakkam,
 Chennai – 600 049.

... Respondents / Proposed Defendant No.4
 (in all applications)

A.No. 4435 of 2021 :-

Application praying that this Hon'ble Court be pleased to condone the delay of 20 days in filing the petition to set-aside the abetment in impleading 4th respondent / proposed 4th defendant, the legal heirs of deceased T.Jacob as defendant No.5 in C.S.No. 806 of 2013 on the file of this Hon'ble Court.

A.No. 4436 of 2021 :-

Application praying that this Hon'ble Court be pleased to set-aside the abetment for impleading petition to implead the 4th respondent / proposed 4th defendant, legal heirs of deceased T.Jacob as defendant No.5 in C.S.No.806 of 2013 on the file of this Hon'ble Court.

A.No. 4437 of 2021 :-

Application praying that this Hon'ble Court be pleased to bring on record the 4th respondent/proposed 4th defendant, the legal heir of deceased T.Jacob as 5th defendant in C.S.No. 806 of 2013 on the file of this Hon'ble Court.

These applications coming on this day before this court for hearing in the presence of Mr.R.Bhagawat Krishna, Advocate for the applicant in all the applications and Mr.Devadason & Sagar, Advocate for the respondents in all the applications and upon reading the Judges Summons and the Affidavit of John Premkumar, filed in all the applications,

It is ordered as follows:

That the Applicant/Plaintiff herein be and is hereby directed to pay a sum of Rs.500/- (Rupees Five Hundred only) as cost to the Advocate's Clerk Association, High Court of Madras.

2. That subject to the condition as mentioned in clause (1) supra, the delay of 20 days in filing the petition to set-aside the abetment in impleading 4th respondent / proposed 4th defendant, the legal heirs of deceased T.Jacob as defendant No.5 in C.S.No. 806 of 2013 be and is hereby condoned.

3. That the A.Nos. 4435 to 4437 of 2021 in C.S.(Comm.Div.)No. 806 of 2013 be posted on 28.03.2022 'for reporting compliance.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 11TH DAY OF MARCH 2022.

Sd/-

ASSISTANT REGISTRAR (O.S-II)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

ED

22.03.2022

A.Nos. 4435 to 4437 of 2021
in
Tr.C.S. No. 806 of 2013

ORDER

DATED : 11.03.2022

THE HON'BLE MRS. JUSTICE
V. BHAVANI SUBBAROYAN

FOR APPROVAL: 23.03.2022

APPROVED ON : 24.03.2022

Copy to:

The Advocate's Clerk Association,
High Court Madras

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-Vs-

1. Mrs. Vimala Jacob,
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 1 to 4 residing at
 No.11-F, Murugesu Nagar,
 Villivakkam,
 Chennai – 600 049.

... Respondents / Defendants
 (in all applications)

... Respondents / Proposed Defendant No.4
 (in all applications)

A.No. 4435 of 2021 :-

Application praying that this Hon'ble Court be pleased to condone the delay of 20 days in filing the petition to set-aside the abetment in impleading 4th respondent / proposed 4th defendant, the legal heirs of deceased T.Jacob as defendant No.5 in C.S.No. 806 of 2013 on the file of this Hon'ble Court.

A.No. 4436 of 2021 :-

Application praying that this Hon'ble Court be pleased to set-aside the abetment for impleading petition to implead the 4th respondent / proposed 4th defendant, legal heirs of deceased T.Jacob as defendant No.5 in C.S.No.806 of 2013 on the file of this Hon'ble Court.

A.No. 4437 of 2021 :-

Application praying that this Hon'ble Court be pleased to bring on record the 4th respondent/proposed 4th defendant, the legal heir of deceased T.Jacob as 5th defendant in C.S.No. 806 of 2013 on the file of this Hon'ble Court.

These applications coming on this day before this court for hearing,

The Court made the following order:-

This application has been filed to condone the delay of 20 days in filing the petition for set aside the abatement to implead the 4th respondent or proposed 4th defendant, as the legal heirs of deceased T. Jacob, in C.S. No.97 of 2018.

In Application No.4433 of 2021:

This application has been filed to set aside the abatement for impleading petition to implead the 4th respondent or proposed 4th defendant, as the legal heirs of deceased T. Jacob, in C.S. No.97 of 2018.

In Application No.4434 of 2021:

This application has been filed to bring on record the 4th respondent as the defendant No.4, in C.S. No.97 of 2018, as the legal heirs of deceased T. Jacob.

In Application No.4435 of 2021:

This application has been filed to condone the delay of 20 days in filing the petition for set aside the abatement to implead the 4th respondent or proposed 4th defendant, as the legal heirs of deceased T. Jacob, in C.S. No.806 of 2013.

In Application No.4436 of 2021:

This application has been filed to set aside the abatement for impleading petition to implead the 4th respondent or proposed 4th defendant, as the legal heirs of deceased T. Jacob, in C.S. No.806 of 2013.

In Application No.4437 of 2021:

This application has been filed to bring on record the 4th respondent as the defendant No.4, in C.S. No.806 of 2013, as the legal heirs of deceased T. Jacob.

2. Heard, the learned counsel appearing for the applicants in all the applications and the learned counsel for the respondents as well as perused the affidavits filed in support of the aforesaid all applications.

3. The learned counsel for the respondents in all the applications has not raised any serious objections to allow these applications.

4. Considering the submissions made on either side, this Court is inclined to allow all these applications to contest the suit effectively. However, in so far as the Application Nos.4432 of 2021 in C.S. No.97 of 2018 and 4435 of 2021 in C.S. No.806 of 2013 which have been filed seeking for to condone the delay of 20 days in filing the application to set aside the abatement on account of demise of T. Jacob, are allowed only on payment of costs of Rs.500/- each to the Advocate's Clerk Association, High Court of Madras.

5. Registry is directed to post the matter on 28.03.2022 for reporting compliance.

Sd./- V.B.S.J.,
11/03/2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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