



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

Thursday, the Tenth day of February Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CMP(MD) No.936 of 2022
IN
S.A.No.1829 of 1997

1 R.THIYAGARAJAN

2 R.ANANTHI

3 R.JEYALAKSHMI

... PETITIONERS/APPELLANTS

Vs

1 D.GOPAL

2 D.DHANAPAL (DIED)

3 THIRUCHIRAPALLI MUNICIPALITY
REP.BY ITS EXECUTIVE AUTHORITYTHE
THE COMMISSIONER
PROMENDADE ROAD, CONTONMENT, TRICHY.

4 D.AKILA

5 D.MUTHUKUMAR

6 D.SAROJA

7 D.ARUMUGAM

8 D.RENUGA

9 D.SHANTHI

10 D.VENKATESH

11 D.RAJESHKANNA

12 D.KARTHIKEYAN

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the petitioners to take substitute of service to the respondents 4,6,8,9,11 and 12 by paper publication in any one of the daily having circulation in Trich Town.

PRAYER IN S.A.No.1829/1997:

To prefer this memorandum of Second Appeal against the Judgement and decree dated 30.04.1997 made in AS.No.69 of 1996 on

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the file of the Sub-Ordinate Judge, Thiruchirapalli in confirming the decree and Judgement dated 26.07.1995 made in O.S.No.1074 of 1983 on the file of the II Additional District Munsif, Trichirapalli.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.GOVINDARAJ, Advocate for the petitioners, the court made the following order:-

This petition is filed to permit the petitioners to take substitute of service to the respondents 4, 6, 8, 9, 11 and 12 by paper publication in any one of the daily having circulation in Trichy Town.

2.The learned counsel for the petitioners/appellants submits that the second appeal has been filed in the year 1997. During the pendency of the second appeal, the second respondent died. The petitioners/appellants filed a petition to bring on record the legal representatives of the deceased second respondent as respondents 4 to 12, which was allowed by this Court vide order dated 27.10.2017. The appellants have also taken court notice to the newly impleaded respondents. But, the notice taken to the respondents 4, 6, 8, 9, 11 and 12 returned unserved. Therefore, this petition has been filed for substitute of service.

3.In view of the submission made by the learned counsel for the petitioners/appellants, the petitioners/appellants are permitted to effect paper publication either in Dina Thanthi or Dinamalar or Dinakaran, having circulation in Trichy Town, informing the date of hearing as 03.03.2022. The learned counsel for the petitioners/appellants are directed to file the proof for effecting service on or before 03.03.2022.

4. Post the matter on 03.03.2022.

sd/-

10/02/2022

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/ /2022

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,
THIRUCHIRAPPALLI.

2 THE II ADDITIONAL DISTRICT MUNSIF,
TRICHIRAPPALLI.

ORDER

IN

CMP (MD) No.936 of 2022

IN

S.A.No.1829 of 1997

Date :10/02/2022

SA/VR/SAR.4/14.02.2022/3P/3C