



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

Thursday, the Twenty Seventh day of January Two Thousand and
Twenty Two

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP(MD) No.428,429 and 430 of 2022

IN

SA(MD)No.435 of 2015

1 RATHINAM (DIED)
2 CHELLASWAMY (DIED)

3 MANIKANDADASS
4 GOKULADASS
5 MANOKARAN
6 RATHINARAJ
7 MOHANDAS
8 LATHAKUMARI
9 SINDHUKUMAR
10 SUGANTHAKUMARI
11 JAYACHANDRA

... PETITIONERS/APELLANTS
IN ALL THE PETITIONS

Vs

1 THANGARAJ (DIED)

2 RAMAKRISHNAN
3 SARASWATHY
4 RAJAKUMARI
5 LAKSHMANAN
6 KRISHNAKUMAR
7 JINI KUMARI
8 SANDILI
9 RAJALEKSHMI
10 VIJAYALEKSHMI
11 DHANALALEKSHMI
12 SREELEKSHMI
13 MAHALEKSHMI
14 ASHDALEKSHMI

... RESPONDENTS/RESPONDENTS
IN ALL THE PETITIONS

... RESPONDENT 3 TO 14/
PROPOSED RESPONDENTS 3 TO 14
(L.Rs.OF THE DECEASED 1st RESPONDENT)
IN ALL THE PETITIONS

PRAYER IN CMP(MD)No.428 of 2022:

Petition filed praying that in the circumstances stated therein
and in the affidavit filed therewith the High Court may be pleased

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to condone the delay of 1074 days in filing the petition to set aside the abatement caused on the death of Thangaraj, the 1st Respondent in the above Second Appeal in S.A.(MD)No. 435 of 2015.

PRAYER IN CMP(MD) . 429/ 2022 :

To set aside the abatement caused on the death of Thangaraj, the 1st Respondent in the above Second Appeal in S.A.(MD)No. 435 of 2015.

PRAYER IN CMP(MD) . 430/ 2022 :

To bring on record the Proposed Respondents 3 to 14 herein who are the Legal Representatives of the deceased the 1st Respondent Thangaraj and rank them as the Respondents 3 to 14 in the above Second Appeal in S.A.(MD)No. 435 of 2015.

PRAYER IN SA(MD) .435/2015:

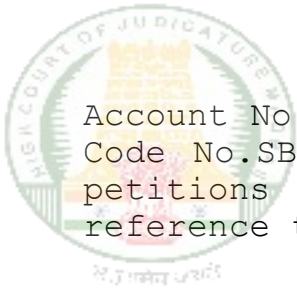
To set aside the Judgment and Decree of the Lower Appellate Court dated 30.01.2015 passed in A.S.No.56 of 2012 on the file of the Camp Court Judge, Kuzhithurai (II Additional Sub Judge, Nagercoil), confirming the Judgment and Decree of the Trial Court dated 10.12.2010 passed in O.S.No.423 of 2004 on the file of the II Additional District Munsif, Kuzhithurai, and allow the present Second Appeal.

COMMON 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 M/S.M.R.SREENIVASAN, Advocate for the petitioners in all the Petitions and of M/s.J.ANANDHAVALLI, Advocate on behalf of the Respondents No.1 & 2 in all the Petitions, the court made the following order:-

These applications have been filed to condone the delay of 1074 days in filing the petition to set aside the abatement caused due to the death of Thangaraj, the first respondent in the second appeal, to set aside the abatement caused on the death of Thangaraj, 1st respondent in the above second appeal, to bring on record the proposed respondents 3 to 14 herein who are the legal representatives of the deceased 1st respondent, Thangaraj and rank them as respondents 3 to 14 in the above second appeal.

2.Heard the learned counsel appearing on either side 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 on condition that the Petitioners pay a sum of Rs.1000/-(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) on or before 08.02.2022, failing which, these petitions shall stand automatically dismissed, without further reference to this Court.

sd/-
27/01/2022

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/ /2022

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

TO

- 1 THE CAMP COURT JUDGE,
KUZHITHURAI (II ADDITIONAL SUBORDINATE JUDGE, NAGERCOIL)
- 2 THE ADDITIONAL DISTRICT MUNSIF
KUZHITHURAI.

COPY TO:

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

ORDER
IN
CMP (MD) No.428, 429 and 430 of 2022
IN
SA (MD) No.435 of 2015
Date : 27/01/2022

SS/VR/SAR-I/01.02.2022/3P/4C