



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

Monday, the Twenty Seventh day of June Two Thousand and Twenty Two

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.VELMURUGAN

C.M.P(MD)Nos.1220 and 1222 of 2022
in
A.S(MD)No.65 of 2012

P.R.RAMANATHAN (DIED)

1. SHIYAMSAI SUNDAR
2. SATHYANARAYANAN
3. GANESH RAJKUMAR

... PETITIONERS 1 TO 3 /
PROPOSED APPELLANTS
IN ALL THE PETITIONS

R.DHANDAPANI (DIED)

4. N.T.SASIREGHA
5. N.T.PREMSAI
6. R.T.KIRITHIGA DEVI

... PETITIONERS 4 TO 6 /
PROPOSED APPELLANTS
IN ALL THE PETITIONS

Vs

P.R.JEGANATHAN (DIED)

1. J.S.DEVI
2. RAJA PATHRINATH
3. R.PADMAVATHI
4. J.SRIVENGADESWARA BABU

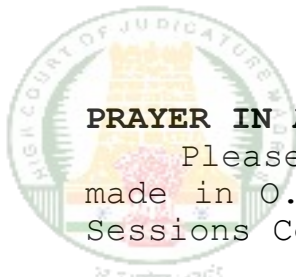
... RESPONDENTS 1 TO 4 /
PROPOSED RESPONDENTS
IN ALL THE PETITIONS

PRAYER IN CMP(MD) No.1220 of 2022 :

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the abatement caused due to the death of the sole respondent in the appeal in A.S.(MD) No.65 of 2012 on the file of this Hon'ble Court.

Prayer in CMP(MD) No.1222/2022 :

Pleased to permit the petitioners to bring the proposed respondents 2 to 5 herein as legal representatives of deceased sole respondent in the appeal in AS(MD) No. 65 of 2012 on the file of this Hon'ble Court.

**PRAYER IN A.S(MD)No.65 of 2012 :**

Pleaded to set aside the Judgment and Decree dated 28.12.2011 made in O.S.306 of 1999 on the file of the Additional District and Sessions Court, Fast Track Court, Periyakulam.

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.S.SIVA THILAKAR, Advocate for the petitioners, the court made the following order:-

C.M.P(MD)No.1220 of 2022 is filed to set aside the abatement caused due to the death of the sole appellant in the above appeal.

2.C.M.P(MD)No.1222 of 2022 is filed to permit the Petitioners to bring the proposed respondents 2 to 5 herein as the legal representatives of the deceased sole appellant in the above appeal suit.

3.The application to set aside the abatement is filed since the legal representatives of the deceased sole appellant has not been brought on record within 90 days from the date of death of the sole respondent. Though the reasons stated in the accompanying affidavit are not satisfactory, however, in order to give an opportunity to the legal representatives of the deceased sole appellant to decide the appeal suit on merits, Petition to set aside the abatement is allowed. Consequently, Petition to bring on record the legal representatives of the deceased sole appellant is also allowed.

4.Registry is directed to carry out necessary amendment in the appeal papers.

sd/-
27/06/2022

/ TRUE COPY /

/07/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, FAST TRACK COURT,
PERIYAKULAM.

ORDER
IN
C.M.P (MD) Nos.1220 and
1222 of 2022
in
A.S(MD)No.65 of 2012
Date :27/06/2022

vsn

<https://www.mca21.com/BAAs-2/04.07.2022/2P/2C>