



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

Thursday, the Twentieth day of January Two Thousand and Twenty Two
PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP(MD) No.314,315 & 316 of 2022
in
SA(MD) No.658 of 2009

1 MARUDHA KARUPPAN (DIED)	...SOLE APPELLANT
	IN ALL THE CASES
2 M.CHINNA PALSAMY	
3 M.KANI	... PETITIONER/PROPOSED APPELLANT 2 AND 3/ LR's OF THE DECEASED SOLE APPELLANT IN ALL THE CASES
	Vs
1 SHANMUGAM (DIED)	... 1 st RESPONDENT
2 M.CHELLADURAI	... 2 nd RESPONDENT/2 nd APPELLANT IN ALL THE CASES
3 SUNDARAN	... 3 rd RESPONDENT/PROPOSED 3 rd RESPONDENT/ LR's OF THE DECEASED 1 st RESPONDENT IN ALL THE CASES
4 K.GURUVAMMAL	
5 K.MOORTHY	
6 K.MAHARAJA	
7 S.MAHALAKSHMI	
8 S.MALLAIKA	... 4 TO 8 RESPONDENTS/PROPOSED 4 TO 8 RESPONDENT/ LR's OF THE PREDECEASED SON OF 1 st RESPONDENT IN ALL THE CASES

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 1865 days in filing the petition to set aside the abatement caused due to the death of the sole Appellant (Marudha Karuppan) in the Second Appeal in S.A.(MD). No.658 of 2009.

Prayer in CMP(MD) . 315/ 2022 :

To set aside the abatement caused due to the death of the Sole Appellant (Marudha Karuppan) in the Second Appeal in S.A.(MD). No.658 of 2009.

<https://hcservices.ecourts.gov.in/hcservices/>



Prayer in CMP(MD) . 316/ 2022 :

To bring on record 2nd and 3rd Appellants in the main Second Appeal as legal representatives of the deceased Sole Appellant(Marudha Karuppan) and rank them as 2nd and 3rd Appellants in the main Second Appeal in S.A.(MD) . No.658 of 2009.

PRAYER IN SA(MD) No.658 of 2009:

Pleaded to set aside the judgment and decree passed in A.S.No.99 of 2006 dated 28-07-2008 Sub-Court, Sankarankovil reversing the judgment and decree passed in O.S.No.67 of 2002 dated 01-03-2005 on the file of the Principal District Munsif Court, Sanakarankovil and allow the suit in O.S.No.67 of 2002 on the file of the Principal District Munsif Court, Sankarankovil.

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 M/S.D.NALLATHAMBI, Advocate for the petitioner in all the cases and of Mr.A.JAYARAMACHANDRAN, Advocate on behalf of the 1st Respondents in all the cases, the Court made the following order:-

These Miscellaneous Petitions have been filed to condone the delay of 1865 days in filing the petition to set aside the abatement caused due to the death of the sole appellant in the Second Appeal; to set aside the abatement caused due to the death of the sole appellant in the Second Appeal and to bring on record the proposed appellants 2 and 3 as the legal representatives of the deceased sole appellant.

2. The learned counsel appearing for the first respondent 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 petitioners and in view of the no objection expressed by the learned counsel for the first respondent, these Civil Miscellaneous Petitions are ordered on condition that the petitioners shall pay a sum of Rs.1,000/- (Rupees One thousand only) as costs to Mr.A.Jayaramachandran, learned counsel for the first respondent within a period of two weeks 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/-

20/01/2022

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

