



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

Wednesday, the Eighth day of June Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.HEMALATHA

CMP(MD) No.862 of 2022

IN

SA No.1795 of 1997

PANDIAN

... PETITIONER/APPELLANT/
RESPONDENT/PLAINTIFF

Vs

1. NATARAJAN
2. THANGARAJ

SINGARAM (DIED)
SIVALINGAM

3. CHINNATHAMBI

KARUPPAIAH (DIED)

4. C.RAMASAMY
5. C.LOGANATHAN
6. MALARVIZHI
7. MALLIKA
8. SELVARANI

... RESPONDENTS/RESPONDENTS/
APPELLANTS/DEFENDANTS

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 order dated 22-12-2021 the M.P.No.1 to 3 of 2007 and SA.No.1795 of 1997 and restore the same pending disposal of the Second Appeal.

PRAYER IN SA No.1795 of 1997 :

To prefer this Memorandum of Grounds of Second Appeal against the Judgment and decree made in A.S.No.246 of 1994, dated 30.06.1997 on the file of the Principal District Court at Pudukkottai, reversing the judgment and decree made in O.S.No.501 of 1990, dated 15.09.1994 on the file of the District Munsif Court at Aranthangi.

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.K.BAALASUNDHARAM, Advocate for the petitioner and of MR.S.PRABHU, Advocate on behalf of the Respondents

https://hcservices.courts.gov.in/hcservices/ the court made the following order:-



On 18.03.2022, the following order has been passed by this Court:

"This petition is filed to set aside the order dated 22.12.2021 in M.P.(MD)Nos.1 to 3 of 2017 and S.A.No.1795 of 1997 and to restore the same.

M.P.(MD)Nos.1 to 3 of 2017 had been filed to condone the delay of 1223 days in filing the petition, to set aside the abatement caused due to the death of the third respondent and bring on record the legal heirs of the deceased third respondent as respondent Nos.4 to 8 in the second appeal. This Court, by order dated 22.12.2021 dismissed the above petitions for default and also dismissed the second appeal for default. To set aside the same, the present petition has been filed.

In the present petition, this Court ordered notice on 18.02.2022 and service is still awaited for R7 and R8.

Mr.Prabhu, learned counsel appearing for R1, R2 and R5 submits that originally, there are six respondents in the second appeal. Pending the appeal, R3, R4 and R6 died. However, the appellant has taken steps for impleading the legal heirs of the third respondent alone and not taken any step to implead the legal heirs of the deceased R4 and R6.

In order to provide one more opportunity to the appellant to take necessary steps to bring on record the legal heirs of the deceased R4 and R6, post the matter on 25.03.2022 as finally. If the appellant is not taking any step to bring on record the legal heirs of the deceased R4 and R6, the second appeal would be dismissed as abated."

2. It is seen from the records that till date, the petitioner has not taken any steps to implead the legal heirs of the deceased R4 and R6 and the batta for R1 to R5, R7 and R8 were also returned on 14.03.2022 and the same has not been re-presented till date.

3. Hence, this petition is dismissed.

sd/-
08/06/2022

/ TRUE COPY /

15/06/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE PRINCIPAL DISTRICT JUDGE,
PUDUKKOTTAI.

2. THE DISTRICT MUNIF,
ARANTHANGI.

ORDER
IN
CMP (MD) No.862 of 2022
IN
SA No.1795 of 1997
Date :08/06/2022

vji
USK/PN/SAR-II/13.06.2022/3P/3C