



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

Monday, the Thirty First day of January Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice R. VIJAYAKUMAR

CMP(MD) No.4734 of 2021 IN
SA(MD) No.1130 of 2006

RAJAKAMALAM

... PETITIONER/APPELLANT

Vs

1. NAGASAMY (DIED)
2. JAYARAMAN
3. S.A.ALAGARSAMY (DIED), S/O.ALAGARSAMY
4. S.A.ALAGARSAMY, S/O.ALAGARSAMY
5. K.RAMANUJAM @ GOPAL RAMANUJAM
6. REGHUPATHY
7. RENGASAMY
8. K.RAMAR
9. R.VIJAYA @ VIJAYALAKSHMI ... RESPONDENTS/RESPONDENTS

- 10.N.GOPALSAMY ... 10th RESPONDENT/LEGAL HEIR OF
DECEASED 1st RESPONDENT/PROPOSED
10th RESPONDENT IN THE APPEAL

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 16.04.2014 of dismissal of the second appeal in respect of respondents 2, 6 and 7 and permit fresh notice to these respondents.

PRAYER IN SA(MD) No.1130 of 2006 :

To prefer the Memorandum of Grounds of Second Appeal against the Judgment and Decree dated 28.06.2006 made in A.S.47 of 2004 on the file of Sub Court, Sivakasi, confirming the Judgment and Decree dated 06.07.2004 made in O.S.40 of 2004 on the file of the District Munsif Court, Sivakasi.

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.H.LAKSHMI SHANKAR, Advocate for the petitioner, the court made the following order:-

The present application has been filed to set aside the order, dated 16.04.2014 of dismissal of the Second Appeal in respect of respondent Nos.2, 6 and 7 and permit fresh notice to these respondents.



2. The learned Counsel for the appellant is directed to take fresh notice to respondent Nos.6 and 7 and implead the legal heirs of the deceased second respondent. Notice returnable by **15.02.2022**.

3. Private notice is also permitted. In the mean time, the learned Counsel for the appellant is directed to take steps to implead the legal heirs of the second respondent.

4. Being satisfied with the reasons stated in the affidavit filed in the support of this petition, this Civil Miscellaneous Petition is allowed.

sd/-
31/01/2022

/ TRUE COPY /

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

TO

1. THE SUBORDINATE JUDGE,
SIVAKASI.
2. THE DISTRICT MUNSIF,
SIVAKASI.

ORDER IN
CMP(MD) No.4734 of 2021
IN
SA(MD) No.1130 of 2006
Date :31/01/2022

USK/SBN/SAR-II/09.02.2022/2P/3C