



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Monday, the Nineteenth day of December Two Thousand and Twenty Two

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PRESENT

The Hon`ble Mr.Justice S.SOUNTHAR

CMP(MD).Nos.1351, 1353 & 1355 of 2022
in
S.A.(MD)No.656 of 2009

Dhasan (Died)
Annamuthammal (Died)

D.Dhasan D/o Late Annamuthuammal
Door No.188/8, Veerambal Village and Post
Mudukulathur Taluk,
Ramanathapuram District

... Petitioner/Proposed Appellant
(in all the Petitions)
Vs

1 Hepsi
2 Gnanavolivu
3 Aruldas

... Respondents 1 & 2/ Respondents 1 & 2.
... 3rd Respondent/3rd Respondent
(in all the Petitions)

Prayer in CMP(MD). No.1351 of 2022:-

Civil Miscellaneous Petition filed under Section 5 of the Limitation Act Pleaded to condone the delay of 1302 days in filing a petition to set aside the abatement caused due to the death of sole appellant in the appeal in SA(MD) No. 656 of 2009, pending disposal of the above appeal and thus render justice.

Prayer in CMP(MD). No.1353 of 2022:-

Civil Miscellaneous Petition filed under order 22 Rule 9(2) of CPC., Pleaded to set aside the abatement caused due to the death of the deceased sole appellant in the appeal in S.A.(MD)No.656 of 2009, pending disposal of the above appeal and thus render justice.

Prayer in CMP(MD). No.1355 of 2022:-

Civil Miscellaneous Petition filed under order 22 Rule (3) of CPC., Pleaded to bring on Record the petitioner herein as legal representative of the deceased sole appellant as second appellant in S.A.(MD)No.656 of 2009, pending disposal of the above appeal and thus render justice.



Prayer in S.A.(MD)No.656 of 2009:-

Second Appeal filed under Section 100 of CPC against the judgment and decree dated 25.11.2008 made in A.S.No.5 of 2006 on the file of the Sub Court, Paramakudi confirming the judgment and decree dated 09.12.2005 made in O.S.No.61 of 1998 on the file of the District Munsif Court, Mudukulathur.

ORDER:- These Civil Miscellaneous Petition coming on for orders on this day and upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of M/s. S. Siva Thilakar, Advocate for the Petitioner in all the petitions and of Mr. M.P. Senthil, Advocate for the 1st & 2nd Respondents in all the petitions, this Court made the following order:

"These Civil Miscellaneous Petitions have been filed to condone delay of 1302 days in filing a petition, to set aside the abatement cause due to the death of the deceased sole appellant and to bring on record the petitioner herein as legal representative of the deceased sole appellant as second appellant in S.A(MD)No.656 of 2009.

2. Having satisfied with the reasons assigned in these affidavits filed in the support of these petitions, these Civil Miscellaneous Petitions stand allowed.

3. Registry is directed to carry out the necessary amendments in the cause-title.

4. Post the second appeal for final disposal on 06.01.2023."

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/01/2023

Sub Assistant Registrar(CS)

TO

1. The Sub Court, Paramakudi.

2. The District Munsif Court, Mudukulathur.



S.A.(ML



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Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai + 1 copies

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ORDER DATED : 19/12/2022

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ORDER

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CMP (MD) .Nos.1351, 1353 & 1355 of 2022
in
S.A. (MD) No.656 of 2009

Giving direction and etc.
as stated within.

RD(04/01/2023) 3P 4C