



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction



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

PRESENT

WEB COPY

The Hon`ble Mr.Justice R.VIJAYAKUMAR

CMP(MD). Nos.3241 to 3243 of 2020
in
S.A.(MD)No. 335 of 2004

Neelamegam (Died)

1. T.Chellammal
 2. R. Muthupandi
 3. N. Karuppasamy
 4. N. Jeyapandi
- 2 to 5

Petitioners / Proposed Appellants

Vs

Poovalingam

Respondent / Respondent

Prayer in CMP(MD). No.3241 of 2020 in S.A.(MD). No.335 of 2004:-

Petition filed under Section 5 of the Limitation Act, to condone the delay of 226 days in filing the CMP to bring on the record the legal heirs of the deceased appellant in the Second Appeal (MD)No. 335 of 2004.

Prayer in CMP(MD). No.3242 of 2020 in S.A.(MD). No.335 of 2004:-

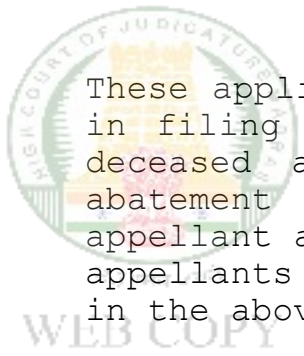
Petition filed under Order 22 R 9(2) of C.P.C., to set aside the abatement caused in the Second Appeal (MD)No. 335 of 2004 due to the death of the Appellant.

Prayer in CMP(MD). No.3243 of 2020 in S.A.(MD). No.335 of 2004:-

Petition filed under Order XXII Rule 9 of C.P.C., to permit the petitioner herein to bring on record as appellants 2 to 5 as legal representatives of the deceased appellant in the Second Appeal (MD)No. 335 of 2004.

Prayer in S.A.(MD). No.335 of 2004:-:- This Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 29/07/2004 made in A.S. No.1 of 2003 on the file of the learned Subordinate Judge, Sivaganga reversing the judgment and decree dated 15/11/2002 made in O.S. No.71 of 2001 on the file of the learned Principal District Munsif, Manamadurai.

ORDER:- These Petitions are coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. A. Sivaji, Advocate for the Petitioners; this Court made the following order:



These applications have been filed to condone the delay of 17s in filing the CMP to bring on the record the legal heirs of the deceased appellant in the above Second Appeal, set aside the abatement caused in the Second Appeal due to the death of the appellant and to permit the petitioners herein to bring on record as appellants 2 to 5 as legal representatives of the deceased appellant in the above Second Appeal.

2. Being satisfied with the reasons stated in these affidavits filed in the support of these petitions, these Civil Miscellaneous Petitions are allowed.

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

4. Post the Second Appeal on 08.02.2022.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/09/2022

Sub Assistant Registrar(CS)

TO

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai

+3 CC to Mr. A. Sivaji, Advocate in Sr, Nos.7970,8902 & 8903.

ORDER DATED : 31/01/2022

=====

ORDER

=====

CMP(MD). Nos.3241 to 3243 of 2020
in
S.A.(MD)No. 335 of 2004
Giving direction and etc.
as stated within.

KB(14.09.2022) 2P 5C