



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

Wednesday, the Sixth day of April Two Thousand and Twenty Two

PRESENT

**The Hon`ble Mrs.Justice R.THARANI**

CMP (MD) No.2793 of 2022  
in  
SA No.1711 of 2000

- 1 K.INBALATHA
- 2 R.C.KRISHNAMOORTHY
- 3 R.C.KESAVAMOORTHY (DIED) ... (DECEASED 3<sup>rd</sup> APPELLANT)
- 4 R.C.RAMAMOORTHY (DIED) ... (DECEASED 4<sup>th</sup> APPELLANT)
- 5 A.SARADHAMANI
- 6 G.GEETHAMANI (DIED) ... (DECEASED 6<sup>th</sup> APPELLANT)
- 7 S.PRABHA
- 8 N.SHARMALA
- 9 J.KISHOREKUMAR
- 10 J.KALYANAKUMAR
- 11 J.RAJAKUMAR ... PETITIONERS/ APPELLANTS
- 12 K.AMARAVATHI
- 13 K.VIJAY
- 14 R.SHAPNA ... PETITIONERS 12 TO 14/ PROPOSED APPELLANTS/ LR'S OF DECEASED 3<sup>rd</sup> APPELLANT
- 15 R.INBALATHA
- 16 K.SONA
- 17 DIANA
- 18 S.MARTINA ... PETITIONERS 15 TO 18/ PROPOSED APPELLANT/ LR'S OF DECEASED 4<sup>th</sup> APPELLANT
- 19 A.GNANADESIGAN
- 20 G.RAJA SUNDAR
- 21 G.DANIEL PRADEEP SUNDAR
- 22 G.NAVEEN SUNDAR ... PETITIONERS 19 TO 22/ PROPOSED APPELLANTS/ LR'S OF DECEASED 6<sup>th</sup> APPELLANT



Vs

1 T.DHANARAJ (DIED)

... DECEASED SOLE RESPONDENT

2 SHENBAGADEVI

3 POOJA

... RESPONDENTS 2 AND 3/ PROPOSED RESPONDENTS/  
L.R's OF THE SOLE RESPONDENT

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 3441 days in filing the petition to set aside the abatement caused due to the death of 4<sup>th</sup> Appellant in the above S.A. No.1711 of 2000, on the file of this Honourable Court and thus render justice.

**PRAYER IN SA No.1711 of 2000:**

To set aside the decree and judgment dated 22.03.2000 rendered in A.S.No.41 of 1999 on the file of the Additional District Judge, Tuticorin, in so far as the findings are concerned by reversing the decree and judgment dated 22.01.1997 rendered in O.S.No.98 of 1992 on the file of the District Munsif of Srivikundam by allowing this Second Appeal.

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.P.JESSI JEEVA PRIYA, Advocate for the petitioners, the court made the following order:-

On the side of the petitioners, it is stated that the petitioners are not aware of the proceedings to take steps for the deceased fourth appellant. Hence, there is a delay of 3441 days in filing the petition to implead the legal heirs.

The reasons are not satisfactory. But the legal heirs of the fourth appellant are necessary parties to this case. Hence, this petition is allowed on payment of Rs.3,000/- to Siddha unit attached to this Court on or before 18.04.2022.

Call on 21.04.2022.

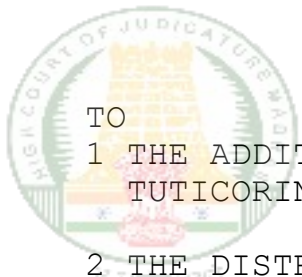
sd/-

06/04/2022

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



TO

1 THE ADDITIONAL DISTRICT JUDGE,  
TUTICORIN

2 THE DISTRICT MUNSIF,  
SRIVIKUNDAM.

COPY TO:

THE OFFICER INCHARGE,  
SIDDHA UNIT,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER

IN

CMP (MD) No.2793 of 2022 in

SA No.1711 of 2000

Date :06/04/2022

SSB

MS/JM/SAR-4/11.04.2022/3P.4C