



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

Thursday, the Eighth day of September Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

CMP(MD) No.7536 of 2022

IN

SA(MD) No.116 of 2015

WEB COPY

1 SIKKANNAN
2 RAJAMMAL
3 LAKSHMI
4 MUNIAPPAN
5 PALANICHAMY
6 RAMAN

... PETITIONERS/APELLANTS

Vs

1 ALAGIRI GOUNDER,
2 VENKITTI GOUNDER
3 THIRUPATHI
4 GOVINDAN

... RESPONDENTS 1 TO 4/RESPONDENTS 1 TO 4

5 NAGAMMAL (DIED)

... 5TH RESPONDENT

6 PERIYASAMY
7 BHAGAVATHYRAJ
S/O.RAMASAMY GOUNDER

... RESPONDENTS 6 & 7/RESPONDENTS 6 & 7

8 NAGAMMAL (DIED)
9 MARIAMMAL (DIED)

... RESPONDENTS 8 & 9

10 PALANISAMY

... 10TH RESPONDENT/PROPOSED 10TH RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to exempt the appellants from bring on record the legal representatives of the respondents 8 and 9 in the second appeal.

Prayer in SA(MD)No.116 of 2015 :

To call for the records relating to the Judgement and Decree dated 24.04.2009 in A.S.No.545 of 2004 on the file of the Principal Subordinate Judge, Dindigul confirming the judgement and decree dated 27.07.2004 in O.S.No.272 of 2000 on the file of the 2nd Additional District Munsif and set aside the same and allow 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.H.LAKSHMI SHANKAR, Advocate for the petitioners and of MR.G.GOMATHI SHANKAR, Advocate on behalf of



the 1st Respondent and of MR.M.R.SREENIVASAN, Advocate on behalf of the Respondent Nos.2 & 5 and MR.M.SARAVANAN, Advocate on behalf of the 6th Respondent and none appeared either in person or by an Advocate on behalf of the Respondent Nos.3,4,7, the court made the following order:-

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This petition is filed to exempt the appellants from bringing on record the legal representatives of respondents 8 and 9 in the second appeal.

2.Heard the learned counsel for the petitioner, the learned counsel for the 1st respondent, the learned counsel for respondents 2 and 5 and the learned counsel for the 6th respondent.

3.Respondents 8 and 9 are the LR's of the deceased 8th defendant, who remained ex-parte before the first appellate Court. Hence, this petition is allowed.

sd/-

08/09/2022

/ TRUE COPY /

16/09/2022

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

TO

1 THE PRINCIPAL SUBORDINATE JUDGE, DINDIGUL.

2 THE 2ND ADDITIONAL DISTRICT MUNSIF, DINDIGUL.

ORDER

IN

CMP(MD) No.7536 of 2022

in

SA(MD) No.116 of 2015

Date :08/09/2022

abr

RS/SBN/SAR.2 (16.09.2022) 2P-3C