



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

Thursday, the Thirty First day of March Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.858, 859 and 860 of 2018
IN
SA No.1381 of 1998

1 JAYAKUMAR
2 SELVAMALAR

... PETITIONERS/ PETITIONERS/ APPELLANTS
IN ALL THE PETITIONS

Vs

1 RAMAN
2 AAVIDAI @ CHINNAIAH (DIED)

... RESPONDENTS / RESPONDENTS/
RESPONDENTS
IN ALL THE PETITIONS

3 SUNDARASU (DIED)

4 NAVARATHINAM
5 MOORTHY
6 BALAKRISHNAN
7 SIVAKUMARI @ PAPPA
8 AARLINGAM
9 THIRUCHELVAM

... RESPONDENTS/ RESPONDENTS 3 to 9/
PROPOSED RESPONDENTS 3 TO 9/LEGAL HEIR OF DECEASED/
2ND RESPONDENT
IN ALL THE PETITIONS

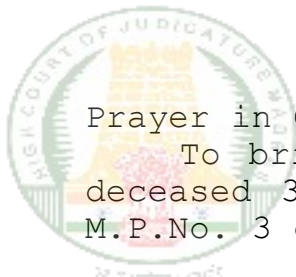
10 S.SAROJA
11 SUBAVINA
12 REGESH

... RESPONDENTS/ RESPONDENTS 10 TO 12/
/LEGAL HEIR OF DECEASED 3RD RESPONDENT
IN ALL THE PETITIONS

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 199 days in setting aside the abatement caused due to the death of 3rd respondent.

Prayer in CMP(MD). 859/ 2018 :

To set aside the abatement caused due to the death of 3rd respondent.



Prayer in CMP(MD). 860/ 2018 :

To bring on record the respondents 10 to 12 / Legal heirs of deceased 3rd respondent and rank them as respondents 10 to 12 in M.P.No. 3 of 2015.

PRAYER IN SA No.1381 of 1998:

To set aside the decree and judgment of the subordinate judges court, Pudukkottai passed in A.S.No.126 of 1997 dated 1.04.1998 reversing the decree and judgment of the District Munsif court, Aranthangi passed in O.S.No.244 of 1993 dated 09.09.1996.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.R.S.PRABHU, Advocate for the petitioner, the court made the following order:-

On the side of the petitioner, it is stated that in C.M.P.(MD) No.858 of 2018, there is delay of 199 days in taking steps for the third respondent. The petitioner could not trace out the legal representative of the third respondent and hence the delay of 199 days has occurred.

2.Since the reasons stated are satisfactory, this Civil Miscellaneous Petition stands allowed and the delay is condoned. Connected C.M.P.(MD)Nos.859 and 860 of 2018 are also allowed. Registry is directed to bring on record the respondents 10 to 12 as the legal representatives of the deceased third respondent and make necessary amendments.

3.Call on 19.04.2022.

sd/-

31/03/2022

/ TRUE COPY /

/ /2022

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

TO

- 1 THE SUBORDINATE JUDGE, PUDUKOTTAI.
- 2 THE DISTRICT MUNSIF, ARANTHANGI.

ORDER

IN

CMP(MD) No.858, 859 & 860 of 2018
IN

SA No.1381 of 1998

Date :31/03/2022

PNN

MK/VR/SAR.II/05.04.2022/2P/3C