



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

Friday, the Seventh day of January Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

C.M.P(MD)Nos.8910 to 8912 of 2021

IN

SA(MD) No.1143 of 2011

1 A.ABRAHAM (DIED) ... / SOLE APPELLANT
in all the petitions
2 MARYAMMAL
3 SOONAMIYAL
4 ISAAC ARUL
5 LEETHIYAL ... PETITIONERS 2-5/ PROPOSED APPELLANTS 2-5
in all the petitions
Vs

REGINALD CHELLAPPA ... RESPONDENT/ RESPONDENT
in all the petitions

Prayer in CMP(MD). 8910/ 2021 :

To condone the delay of 835 days in filing the petition to set aside the abatement caused due to the death of the sole appellant in the above Second Appeal and thus render justice.

Prayer in CMP(MD). 8911/ 2021 :

To set aside the abatement caused due to the death of the sole appellant in the above Second Appeal and thus render justice.

Prayer in CMP(MD). 8912/ 2021 :

To bring on record the petitioners 2 to 5 herein, the legal representatives of the deceased sole appellant, as appellants 2 to 5 in the above Second Appeal and thus render justice.

PRAYER IN SA(MD) No.1143 of 2011:

To preferred against the decree and judgment in A.S.No.16 of 2011 dated 30.06.2011 passed by Principal Sub Court, Nagercoil reversing the well considered Decree and judgment passed by learned Principal District Munsif, Nagercoil in O.S.No.493 of 2006 dated 12.03.2010.

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.V.BALAJI, Advocate for the



petitioners in all the petitions and the Respondent not appeared either in person or by an advocate in all the petitions, the court made the following order:-

These applications in C.M.P(MD)Nos.8910 to 8912 of 2021 have been filed to condone the delay of 835 days in filing the application to set aside the abatement caused due to the death of the sole appellant; to set aside the abatement caused due to the death of the sole appellant in the above Second Appeal and to bring on record the proposed petitioners 2 to 5 herein as the legal representatives of the deceased sole appellant in the above Second Appeal and implead them as appellants 2 to 5.

2.Heard the learned counsel for the petitioner and perused the materials available on record. Though notice was served on Respondent and his name being printed in the cause list, there is no representation on behalf of him, either in person or through counsel.

3.The sole appellant in the above Second Appeal is A.Abraham and he is said to have died and consequently, these applications have been filed for the reliefs as stated above. The Second Appeal arises out of the suit, which has been filed, seeking for recovery of money. In order to give effective justice in the Second Appeal, it is just and necessary that his legal representatives should be brought on record in this Second Appeal. Consequently, these applications may be allowed on payment of costs.

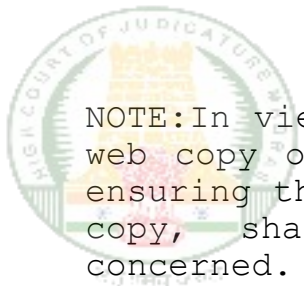
4.In view of the above, these Petitions are allowed however on condition that the Petitioners pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the Advocate Clerk's Welfare Association, Madurai Bench of Madras High Court, bearing Account No.496039124 in Indian Bank, High Court Branch, Madurai, towards costs, within a period of one week from the date of receipt of a copy of this order, failing which, these Petitions shall stand automatically dismissed, without further reference to this Court.

5. The office is directed to record the death of the sole appellant and to bring on record, his legal representatives, the proposed appellants 2 to 5.

sd/-
07/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

1 THE PRINCIPAL SUBORDINATE JUDGE,
NAGERCOIL

2 PRINCIPAL DISTRICT MUNSIF,
NAGERCOIL.

COPY TO:

THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

C.M.P (MD) Nos.8910 to 8912 of 2021

IN SA(MD) No.1143 of 2011

Date :07/01/2022

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