



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Eighteenth day of August Two Thousand and Twenty two
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CMP(MD) . No.3673 to 3675 of 2016
in
SA(MD) .No.2300 of 2011

WEB COPY

1. A. Chelladurai
2.Saroja ... Petitioners/Petitioners/Appellants
in all CMP's

Vs

1 J.Jesu Rethinam (Died)

2 Rajammal

3 Janet

4 Kirubasanam Church
rep. By Kumar

5 A.Leela Bai

6 Roselet

7 Kanagabai

8 Rengabai

9 C.Helkiah

10 N.Mathias

11 N.Lucaus ... Respondents 2 to 11/Respondents 2 to 11
Respondents 2 to 11

12 Y.Jacob Sastha

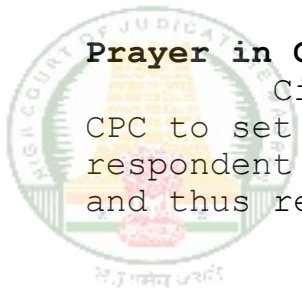
13 Y.Nalany Chellan

14 Y.Mathy ... Respondent 12 to 14 /

Proposed Respondents 12 to 14 /Lrs of Deceased 1st respondent
(in all CMP's)

Prayer :-CMP(MD) . No.3673 /2016

Civil Miscellaneous Petition filed under section 5 of
Limitation Act to condone the delay of 983 das in filing the
petition to set aside the abatement caused due to the death of the
1st respondent in the above SA(MD)SR2300 of 2011.



Prayer in CMP(MD) . 3674/ 2016 :

Civil Miscellaneous Petition filed under order 22 Rule 4 of CPC to set aside the abatement caused due to the death of the 1st respondent in the above M.PNo.1 of 2011 in S.R.N(MD)No.2300 of 2011 and thus render justice.



Prayer in CMP(MD) . 3675/ 2016 :

Civil Miscellaneous Petition filed under order 22 Rule 4 of CPC to bring on record the proposed respondents 12 to 14 as the legal representatives of the deceased 1st respondent and rank them as respondents 12 to 14 in the above SA(MD)Sr.NO.2300 of 2011.

Prayer in SA .Sr.No.2300 of 2011

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 26/07/2005 made in A.S.No.61 of 2004 on the file of the I Additional Subordinate Judge, Padmanabhapuram, confirming the judgment and decree dated 05/04/2004 made in O.S.No.422 of 1994 on the file of the District Munsif Court, Padmanabhapuram.

ORDER:- This Civil Miscellaneous Petition 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.V.M.Balamohan Thambi Advocate for the Petitioners this Court made the following order:

These applications have been filed to condone the delay of 983 days in filing the petition to set aside the abatement caused due to the death of the first respondent in SA(MD)SR No.2300 of 2011, to set aside the abatement caused due to the death of the first respondent and to bring on record the legal heirs of the deceased first respondent as respondents 12 to 14. These applications have been filed during the year 2016 itself.

2.During 2018, CMP(MD)Nos.1340 to 1342 of 2018 have been filed for the very same relief and this Court by order dated 04.08.2022 allowed these applications.

3.In view of the orders passed in CMP(MD)Nos.1340 to 1342 of 2018, no further order is required in C.M.P(MD)Nos.3673 to 3675 of 2016 and hence C.M.P(MD)Nos.3673 to 3675 of 2016 are closed.

Sd/-

Assistant Registrar()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



TO

1. I Additional Subordinate Judge,
Padmanabhapuram.

2. The District Munsif Court,
Padmanabhapuram.

Copy to:

1. The Sub Assistant Registrar, AE. Section
Madurai Bench of Madras High Court, Madurai

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

ORDER DATED : 18/08/2022

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ORDER

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CMP(MD).Nos.3673 to 3675 of 2016
in
SA(MD)Sr.No.2300 of 2011
Giving direction and etc.
as stated within.

KB(30.08.2022) 3P 5C