



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

Tuesday, the Eighteenth day of October Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

CMP (MD) No.8551,8552 & 8555 of 2022
AND 8558 TO 8560 of 2022
IN
SA (MD) .No.427 of 2006

1 SARASWATHI

2 PRATHAP

3 MAGESH

4 DHINESH

5 RAMA

... PETITIONERS/APELLANTS
IN ALL THE PETITIONS

Vs

1 THANGARAJ NADAR (DIED)

... 1st RESPONDENT

IN CMP (MD) .Nos.8551,8552 & 8555/2022 in
SA. (MD) .427/2006

IN CMP (MD) .Nos.8558 TO 8560/2022 in
SA. (MD) .427/2006

2 SELVARJ

JOHNSON (DIED)

3 SUSHILA

4 SUBBAIYAN

5 RENGANATHAN

... RESPONDENTS 2 TO 5/RESPONDENTS 2 TO 5

IN CMP (MD) .Nos.8551,8552 & 8555/2022 in
SA. (MD) .427/2006

IN CMP (MD) .Nos.8558 TO 8560/2022 in
SA. (MD) .427/2006



WEB COPY

CMP(MD) No.8551,8552



22

6 RAMAYAN (DIED)

... 6th RESPONDENT

IN CMP (MD) .Nos.8551,8552 & 8555/2022 in
SA. (MD) .427/2006

IN CMP (MD) .Nos.8558 TO 8560/2022 in
SA. (MD) .427/2006

7 RAJAIYAN

GABRIEL (DIED)

8 SELVAMANI (DIED)

9 CHELLADURAI

PUSHBAM (DIED)

10. MOHANAN

11 GEETHA

12 KALI PRASATH

13 SOMASUNDARAM

14 SUNDARARAJ

15 VIJAYAKUMARI

16 RENGABAI

17 SUNDARLAL

18 VASANTHAKUMARI

19 CHANDRAMOHAN

20 THANGABAI

21 VASANTHA KUMARI

22 RAJAN

23 KAMALAM

24 GOMATHY

25 JOHNSON

<https://www.mhc.tn.gov.in/judis>



WEB COPY

CMP(MD) No.8551,8552 & 8555/2022



22

26 VIJAYA KUMAR

... RESPONDENTS 7 TO 26/RESPONDENTS 7

IN CMP (MD) .Nos.8551,8552 & 8555/2022 in
SA. (MD) .427/2006

IN CMP (MD) .Nos.8558 TO 8560/2022 in
SA. (MD) .427/2006

27 RAVINDRAKUMAR (DIED)

... 27th RESPONDENT

IN CMP (MD) .Nos.8551,8552 & 8555/2022 in
SA. (MD) .427/2006

IN CMP (MD) .Nos.8558 TO 8560/2022 in
SA. (MD) .427/2006

28 BALAMMAL

29 MOHANA KUMAR

30 SUNDARAJ

31 R.CHELLAMMA

32 R.SUKUMARAN

33 R.SASI

34 R.DESON

35 SAREENA

36 MINOR.POOJA

37 MINOR.SUNITHA

38 SANTHANAM

(MINOR RESPONDENTS 36 AND 37
REPRESENTED BY THEIR MOTHER
AND NEXT FRIEND 35th
RESPONDENT)

... RESPONDENTS 28 TO 38/
RESPONDENTS 28 TO 38

IN CMP (MD) .Nos.8551,8552 & 8555/2022 in
SA. (MD) .427/2006

IN CMP (MD) .Nos.8558 TO 8560/2022 in
SA. (MD) .427/2006



WEB COPY



39 CHANDRAMATHI BAI

40 EZHIL RAJ

41 ABEAL RAJ

... RESPONDENTS 39 TO 41/
PROPOSED RESPONDENTS/L.RS OF 1st RESPONDENT

IN CMP(MD).Nos.8551,8552 & 8555/2022 in
SA.(MD).427/2006

IN CMP(MD).Nos.8558 TO 8560/2022 in
SA.(MD).427/2006

42 P.S.RAJ

43 P.S.SIVARAJA

44 P.S.JAMES RAJ

45 VIMALABAI

46 RANI

47 SELVAKUMARI

48 A.ALPHONSE

49 P.ALFINRAJ

50 P.PUNITHA

... RESPONDENTS 42 TO 50/
PROPOSED RESPONDENTS/LRS OF 8th RESPONDENT

IN CMP(MD).Nos.8558 TO 8560/2022 in
SA.(MD).427/2006

Prayer in CMP(MD). 8551/ 2022 :

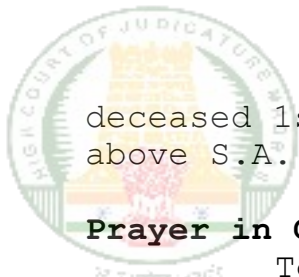
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 9 days in filing the petition to set aside the abatement caused due to the death of the 1st respondent in the above S.A.(MD).No.427 of 2006.

Prayer in CMP(MD). 8552/ 2022 in SA(MD).427/2006:

To set aside the abatement caused due to the death of the 1st respondent in the above S.A.(MD).No.427 of 2006 and thus render justice.

Prayer in CMP(MD). 8555/ 2022 in SA(MD).427/2006:

To bring the respondents 39 to 41 in the above civil miscellaneous petition on record as the legal representatives of the



deceased 1st respondent and rank them as respondents 39 to 41 above S.A.(MD).No.427 of 2006 and thus render justice.

Prayer in CMP(MD) . 8558/ 2022 in SA(MD) .427/2006:

To condone the delay of 420 days in filing the petition to set aside the abatement caused due to the death of the 8th respondent in the above S.A.(MD).No.427 of 2006 and thus render justice.

Prayer in CMP(MD) . 8559/ 2022 in SA(MD) .427/2006:

To set aside the abatement caused due to the death of the 8th respondent in the above S.A.(MD).No.427 of 2006 and thus render justice.

Prayer in CMP(MD) . 8560/ 2022 in SA(MD) .427/2006:

To bring the respondents 42 to 50 in the above civil miscellaneous petition on record as the legal representatives of the deceased 8th respondent and rank them as respondents 42 to 50 in the above S.A.(MD).No.427 of 2006 and thus render justice.

PRAYER IN SA(MD) .427/2006:

Pleased to prefer the Memorandum of grounds of Second Appeal against the Judgment and Decree dated 17.02.2006 made in A.S.No.80 of 2002 on the file of the Subordinate Judge's Court, Kuzhithurai confirming the Judgment and Decree dated 06.02.1997 made in O.S.No.373 of 1979 on the file of the II Additional District Munsif Court, Kuzhithurai.

COMMON 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 M/S.P.THIIYAGARAJAN, Advocate for the petitioners in all the Petitions and of M/s.J.ANANDHAVALLI, Advocate on behalf of the Respondents No.39 to 41 and Mr.VAMANAN, Advocate for the Respondents No.42 to 50, the court made the following order:-

The petitions are filed to condone the delay of 420 in filing the petition to set aside the abatement caused due to the death of R8, to set aside the abatement and to bring on record the legal representatives of deceased R8 and to condone the delay of 9 days in filing the petition to set aside the abatement caused due to the death of R1, to set aside the abatement and to bring on record the legal representatives of deceased R1.

2.Ms.Aanandhavalli, learned counsel offered to enter appearance for legal heirs of R1 whereas Mr.Vamanan, learned counsel offered to enter appearance for legal heirs of R8.

3.C.M.P(MD) Nos.8551,8552 and 8555 are allowed. The Registry is directed to carry out the necessary amendment.



4. Considering the delay of 420 days in filing the petitions, the petitions in C.M.P(MD)Nos.8558 to 8560 of 2022 are allowed on condition that the petitioners pay a sum of Rs.1,000/- (Rupees One Thousand only) to the credit of A/C. No.6477041768 IFSC Code: IDIB000H040 the Children's Home run in Madurai Bench of Madras High Court on or before 31.10.2022.

5. Post on **03.11.2022.**

sd/-

18/10/2022

/ TRUE COPY /

/10/2022

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

TO

1 THE SUBORDINATE JUDGE,
KUZHITHURAI.

2 THE II ADDITIONAL DISTRICT MUNSIF,
KUZHITHURAI.

COPY TO:

THE OFFICER INCHARGE,
CHILDREN'S HOME RUN,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CMP(MD) No.8551,8552 & 8555 of 2022
AND 8558 TO 8560 of 2022

IN

SA(MD) .No.427 of 2006

Date :18/10/2022

cm

SA/VR/SAR. /27.10.2022/6P/4C