



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

Tuesday, the Twenty Fifth day of January Two Thousand and Twenty Two
PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

C.M.P (MD) Nos.10150, 10151 & 10153 of 2021
in
S.A. (MD) No.91 of 2013

1 A.JEYARAMAN (DIED),
2 M.KALAIARASAN
3 A.BALASUBRAMANIAN
4 A.KUDUMBA MELALAR MUNIYAPPAN ... PETITIONERS/ 2 to 4 APPELLANTS
IN ALL THE PETITIONS

Vs

1 M.THAMIZHARASAN
2 C.BACKIAM (DIED)
3 M. KADHIRVEL (DIED)
4 ROHINI
5 SHANTHI
6 VALLITHAI
7 TAMILSELVI ... RESPONDENTS/ RESPONDENTS
IN ALL THE PETITIONS

8 SARATHA
9 JEYAKUMAR
10 ASHOKUMAR
11 RAJKUMAR ... RESPONDENTS/ PROPOSED RESPONDENTS/
LRs OF DECEASED 1st APPELLANT
IN ALL THE PETITIONS

Prayer in CMP(MD)No.10150/ 2021 :

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 1350 days in filing the petition to set aside the abatement caused due to the death of the 1st Appellant in the above Second Appeal in S.A.(MD)No. 91 of 2013.

Prayer in CMP(MD)No.10151/ 2021 :

To set aside the abatement caused due to the death of the 1st Appellant in the above second appeal in S.A.(MD)No.91 of 2013.

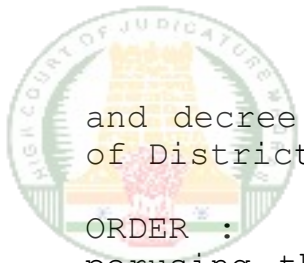
Prayer in CMP(MD). 10153/ 2021 :

To bring on record the respondents 8 to 11 herein as the legal Representatives of the 1st appellant and rank them as respondents 8 to 11 in the above second appeal in S.A(MD)No.91 of 2013.

Prayer in S.A.(MD)No.91 of 2013:

To prefer this Memorandum of Grounds of Second Appeal against the decree and judgment dated 22.11.2011 made in A.S.No.26 of 2010

Subordinate Judge, Kulithalai confirming the judgment



and decree dated 30.10.2009 made in O.S.No.194 of 2002 on the file of District Munsif, Kulithalai.

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.P.THIYAGARAJAN, Advocate for the petitioners in all the petitions and of MR.S.GOKULRAJ, Advocate on behalf of the Respondents 3 to 7 in all the petitions, the court made the following order:-

These applications in C.M.P(MD)Nos.10150, 10151 & 10153 of 2021 have been filed to condone the delay of 1359 days in filing the application to set aside the abatement caused due to the death of the first appellant; to set aside the abatement caused due to the death of the first appellant in the above Second Appeal and to bring on record the proposed respondents 8 to 11 herein as the legal representatives of the deceased first appellant in the above Second Appeal and implead them as respondents 8 to 11.

2.Heard the learned counsel on either side and perused the materials available on record.

3.The first appellant in the above Second Appeal is Jeyaraman 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 declaration and for permanent injunction and for future mesne profit. 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.1,000/- (Rupees One 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 first appellant Jeyaraman and to bring on record, his legal representatives, the proposed respondents 8 to 11.

sd/-
25/01/2022

/ 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.

TO

1 THE SUBORDINATE JUDGE,
KULITHALAI.

2 THE DISTRICT MUNSIF,
KULITHALAI.

COPY TO:

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

ORDER

IN

C.M.P (MD) Nos.10150, 10151 & 10153
of 2021

in

S.A. (MD) No.91 of 2013

Date :25/01/2022

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MK/PN/SAR.III/31.01.2022/3P/4C