



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

Thursday, the Twenty Fourth day of November Two Thousand and Twenty Two

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD) . No.11045 of 2022

in

M.P. NO.1 of 2010

in

AS NO.661 of 1979

1. Ramalingam (Died)

2. R. Palani Kumar

... Petitioner / Proposed Petitioner /
2nd Respondent

Vs

1. Kuppamuthu

2. Chellam @ Palanisamy

3. Petchimuthu Chettiar

... Respondents / Respondebnts 1 to 3 /
Appellants 2, 4 and 6

4. P.Shanmugam

... 4th Respondenty / 4th Respondent /
4th Respondent

5. Palanichamy @ Ilango

6. Petchimuthu @ Mohan

7. Subramanian

8. Narayanan

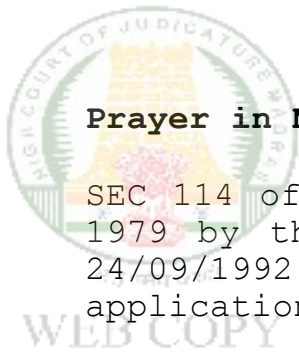
... Respondents 5 to 8/Respondents 5 to 8
(Respondents 5 to 8 Lrs of the 3rd Respondent)

9. L.S.Mariappan

... 9th Respondent / 9th Respondent /
9th Respondent

Prayer in CMP(MD) . No.11045 of 2022 :-

Civil Miscellaneous Petition filed under Order 22 Rule 3 r/w SEC 151 of CPC to bring on record the 2nd petitioner as the legal heir of the deceased 1st petitioner namely Ramalingam and rank him as the 2nd petitioner in the above M.P.No. 1 of 2010 in AS.No. 661 Of 1979.

**Prayer in M.P. NO.1 of 2010:-**

Miscellaneous Petition filed under order XLVII Rule 1 and SEC 114 of CPC to amend the scheme suitably passed in AS.NO.661 of 1979 by this Hon'ble Court through its judgment and decree dated 24/09/1992 as suggested in the draft scheme filed along with this application and thus render justice.

Prayer in AS NO.661 of 1979 :-

Appeal Suit petition filed under section 96 of CPC to set aside the judgment and decree dated 19/02/1979 passed in O.S. NO.222 of 1975 on the file of the III Additional Sub Court, Madurai.

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. Raghavachari, Advocate for the Petitioner and of Mr. J. Anandkumar, Advocate for the 9th respondent, this Court made the following order:

"The Civil Miscellaneous Petition has been filed seeking orders to bring on record the second petitioner as legal representative of the deceased first petitioner-Ramalingam and Rank him as second petitioner in the above M.P.No.1 of 2010 in A.S.No.661 of 1979.

2.Learned counsel for the respondents 1 to 8 and 9 would submit that they are not having any objections to allow the petition.

3.It is seen that the second petitioner, who is son of the first petitioner, has already sent a letter to the Registry expressing his readiness to hand over the management, key and other charges as per the order of this Court, dated 29.09.2015, to the 9th respondent.

4.The learned counsel for the 9th respondent would submit that the 9th respondent has already sent a letter to the Registry, requesting them to hand over the management on or before 30.11.2022, as per the order of this Court, dated 29.09.2015.

5.Being satisfied with the averments stated in the affidavit filed in support of this petition, the petition is allowed."

Sd/-

Assistant Registrar ()

// True Copy //

/12/2022

Sub Assistant Registrar(CS)



TO

The III Additional Subordinate Judge,
Madurai.

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Copy to:

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

ORDER DATED : 24/11/2022

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ORDER

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CMP(MD) . No.11045 of 2022
in
M.P. NO.1 of 2010
in
AS NO.661 of 1979

ED(12.12.2022) 3P 3C