



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

Monday, the Twenty Seventh day of June Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

C.M.P(MD)Nos. 7296 and 7297 of 2017
in
A.S(MD)No.105 of 2007

SIVAKAMASUNDARI

... PETITIONER/PETITIONER/
1st RESPONDENT
IN BOTH PETITIONS

Vs

S.K.KRISHNAMOORTHY (DIED)

1. JEYALAKSHMI
2. S.K.KALYANAM
3. S.K.KARTHIKEYAN
4. SHANTHI THIRUGANAM
5. S.K.DHARMARAJAN (DIED)
6. ISWARYA
7. SEENIVASAN

... RESPONDENTS/PROPOSED RESPONDENTS/
LRS OF THE DECEASED 5TH RESPONDENT
IN BOTH PETITIONS

Prayer in CMP(MD) . 7296/2017 :

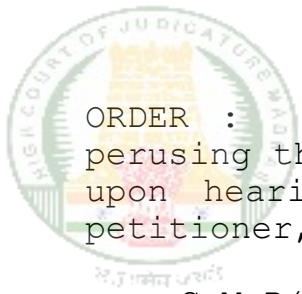
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the abatement caused due to the death of the 5th respondent in CMP(MD)No.828 of 2017 in AS(MD) No.105 of 2007.

Prayer in CMP(MD) . 7297/2017 :

Pleased to bring on record the respondents 6 and 7 as legal representatives of deceased 5th respondent and rank them as respondents 6 and 7 in AS(MD) No.105 of 2007.

Prayer in AS(MD) .105/2007 :

To allow the appeal setting aside the Judgment and Decree of the Additional District Judge (Fast Track Court No.II), Tiruchirappalli dated 31.10.2006 in OS.289/2004 and to decree the said suit as prayed for.



ORDER : This petition coming up for orders on this case, on perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S P.SUBBARAJ, Advocate for the petitioner, the court made the following order:-

C.M.P(MD)No.7296 of 2017 is filed to set aside the abatement cause due to the death of the fifth respondent in CMP(MD) No.828 of 2017 in AS(MD) No.105 of 2007.

2.C.M.P(MD)No.7297 of 2017 is filed to bring on record the respondents 6 and 7 as the legal representative of the deceased fifth respondent and rank them as the respondents 6 and 7.

3.Though the reasons stated in the affidavit is not satisfied, however, in order to give an opportunity to the parties to contest the appeal, the application to set aside the abatement caused due to the death of the fifth respondent is allowed. Consequently, the petition to bring on record the respondents 6 and 7 as the legal representative of the deceased fifth respondent is allowed.

4. The learned counsel for the petitioner is directed to carry out the necessary amendment in CMP(MD) No.828 of 2017 and file a fresh amended copy of the condone delay application within a period of 10 days, failing which, the petition shall stand dismissed automatically, without further reference to this Court.

5.Post the petition in CMP(MD) No.828 of 2017 on 11.07.2022.

sd/-

27/06/2022

/ TRUE COPY /

/07/2022

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

TO
THE ADDITIONAL DISTRICT JUDGE
(FAST TRACK COURT NO.II), TIRUCHIRAPPALLI.

COPY TO :
THE SECTION OFFICER,
JUDICIAL POSTING,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
C.M.P(MD)Nos. 7296 and 7297
of 2017 in
A.S(MD)No.105 of 2007
Date :27/06/2022

USK/VR/SAR-II/30.06.2022/2P/3C