



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Twenty First day of June Two Thousand and Twenty Two

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PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

C.M.P (MD) Nos.8800, 8801, 8802, 8803, 8804, 8805, 8806 & 8807 of 2018
in
A.S.No.1 of 1999

M.KALAISELVAN

... PETITIONER / 4TH RESPONDENT
IN ALL THE PETITIONS

Vs

MURUGAIAH VANDIYAR (DIED)

1 RANJITHAM

... 1ST RESPONDENT / 1ST RESPONDENT
IN ALL THE PETITIONS

GOVINDARAJAN (DIED)

2 DURAISAMY

... 2nd RESPONDENT / 3rd RESPONDENT
IN CMP(MD)No.8800 to 8802 OF 2018

... 1 & 2 RESPONDENTS / RESPONDENTS 1 & 2
IN CMP(MD)No.8803, 8804, 8805, 8806 & 8807 of 2018

RAJAMANI (DIED)

3 KUDIARASAN

4 GOMATHI

5 SHANTHI

6 THILAGAVATHI

(RESPONDENTS 3 TO 6 ARE LR OF GOVINDARAJAN)

7 PATTAMMAL

8 SUMATHI

9 SURESH

(RESPONDENTS 9 TO 10 ARE LR OF RAJAMANI)

10 KULANTHAISAMY

(RESPONDENTS 7 TO 10 ARE LR OF RAJAMANI)



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... RESPONDENTS / RESPONDENTS
IN CMP(MD) NO.8800 OF 2018

... RESPONDENTS 3 TO 10 / PROPOSED RESPONDENTS
IN CMP(MD) NO.8801 OF 2018

... PROPOSED RESPONDENTS 3 TO 10 / RESPONDENTS
IN CMP(MD) No.8802, 8803, 8805 & 8806 of 2018

... PROPOSED RESPONDENTS /3 TO 10 RESPONDENTS
IN CMP(MD) No.8804 & 8807 of 2018

Prayer in CMP(MD) No.8800 of 2018:

To restore the A.S.No.1/1999, dated 17.07.2009 on the file of this Honble court.

Prayer in CMP(MD) No.8801 of 2018:

To pass order to transpose me as appellant in A.S.No.1/1999 on the file of this Honble Court.

Prayer in CMP(MD) No.8802 of 2018:

To condone the delay of 5479 days to setting aside the abatement caused due to the death of the 2nd respondent.

Prayer in CMP(MD) No.8803 of 2018:

Pleased to set aside the abatement caused to the death of the 2nd respondent and thus render justice.

Prayer in CMP(MD) No.8804 of 2018:

To bring on record the proposed respondents No.3 to 6 as legal heirs of the deceased 2nd respondent and rank them as respondents Nos.3 to 6 in the above A.S.No.1 of 1999 and thus render justice.

Prayer in CMP(MD) No.8805 of 2018:

To condone the delay of 3309 days to setting aside the abatement caused due to the death of the 5th respondent.

Prayer in CMP(MD) No.8806 of 2018:

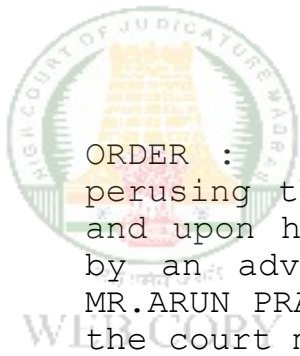
To set aside the abatement caused to the death of the 5th respondent.

Prayer in CMP(MD) No.8807 of 2018:

To bring on record the proposed respondents No.7 to 10 as legal heirs of the deceased 5th respondent and rank them as respondents Nos.7 to 10 in the above A.S.No.1 of 1999.

Prayer in A.S.No.1 of 1999:

To prefer this Memorandum of Regular Appeal to this Hon'ble Court against the Judgment and decree of the Subordinate Judge
in O.S.No.139 of 1994 dated 02.09.1998.



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 not appeared either in person or by an advocate for the petitioner in all the petitions and of MR.ARUN PRASAD, Advocate for the 1st respondent in all the petitions, the court made the following order:-

These petitions have been filed by the petitioner to restore the A.S.No.1 of 1999, to transpose the petitioner as appellant, to condone the delay of 5479 days for setting aside the abatement caused due to the death of the second respondent, to set aside the abatement, to bring on record the legal representatives of the deceased 2nd respondent, to condone the delay of 3309 days for setting aside the abatement caused due to the death of the 5th respondent, to set aside the abatement and to bring on record the legal representatives of the deceased 5th respondent.

2. Earlier when the matter came up for hearing on 16.06.2022, there was no representation on behalf the petitioner and hence, the matter was directed to be posted on 21.06.2022 under the caption "For Dismissal". Accordingly, it is listed today. Even today, when the matter was taken up for hearing, there was no representation for the petitioner. In such circumstances, this Court has no other option except to dismiss the petitions for non-prosecution.

3. Accordingly, all the Civil Miscellaneous Petitions are dismissed for non-prosecution.

sd/-

21/06/2022

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/ /2022

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

TO

THE JUDGE,
SUBORDINATE COURT,
PATTUKKOTTAI.

ORDER

IN

C.M.P (MD) Nos. 8800, 8801, 8802, 8803,
8804, 8805, 8806 & 8807 of 2018
in

A.S.No.1 of 1999

Date : 21/06/2022

MK/JM/SAR.III/23.06.2022/3P/2C