



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

Thursday, the Twenty Seventh day of April Two Thousand and Twenty
Three

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PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

C.M.P. (MD) Nos.2938, 2941 & 2943 of 2023
in
S.A.No.794 of 1999

ANTONY HEARTLINE

... PETITIONER/APELLANT
(IN ALL PETITIONS)

Vs

1 ABAYAM THEERTHA PILLAI (DIED)

... 1ST RESPONDENT
(IN ALL PETITIONS)

2 SUBBIAH

3 SENTHUR PANDIAN (DIED)

... 3RD RESPONDENT
(IN ALL PETITIONS)

4 SUBBIAH (DIED)

... 4TH RESPONDENT
(IN ALL PETITIONS)

5 ANNALAKSHMI (DIED)

... 5TH RESPONDENT
(IN ALL PETITIONS)

6 SORIMUTHU

7 VEERABHATHRAN

8 PARAMASIVAN

9 ARUMUGHA NAINAR

... 6TH TO 9TH RESPONDENTS/
6TH TO 9TH RESPONDENTS
(IN ALL PETITIONS)

10 SEETHA LAKSHMI

11 VEERA LAKSHMI

... 10 & 11 RESPONDENTS/
PROPOSED 10 & 11 RESPONDENTS
LEGAL HEIRS OF DECEASED 4TH RESPONDENT
(IN ALL PETITIONS)



12 SANKARANARAYANA

13 ABAYAM THEERTHAN

14 SORNA VELAYUDAM

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... 12 TO 14 RESPONDENTS/
PROPOSED 12 & 14 RESPONDENTS
LEGAL HEIRS OF DECEASED 5TH RESPONDENT
(IN ALL PETITIONS)

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 206 days in filing the application to set aside the abatement in appeal in S.A.NO.794 of 1999 on account of the death of the 4th respondent and pass such further or other order as this Hon`ble Court may deem fit and proper in the circumstance of the case, and thus render justice.

Prayer in CMP(MD). 2941/ 2023 :

To set aside the abatement caused due to the death of the 4th respondent in the above S.A.No.794 of 1999 is concerned and pass such further or other order as this Hon`ble Court may deem fit and proper in the circumstance of the case, and thus render justice.

Prayer in CMP(MD). 2943/ 2023 :

To bring on record the 10th and 11th respondents herein as the legal representatives of the deceased 4th respondent and rank them as the 10th and 11th respondents in above S.A.No.794 of 1999 and pass such further or other order as this Hon`ble Court may deem fit and proper in the circumstance of the case, and thus render justice.

Prayer in SA. 794/ 1999 :

To prefer this Memorandum of Grounds of Second Appeal against the judgment and decree in A.S.No.123 of 1995 on the file of the Sub Court, Tuticorin, dated 22.09.1998 confirming the judgment and decree in O.S.No.37 of 1993 on the file of PDMC, Tuticorin, dated 22.08.1995

ORDER : These petitions coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.R.MANIMARAN, Advocate for the petitioner and no appearance for the respondents either in person or through by an advocate, the court made the following order:-

The petitions are filed to condone the delay of 206 days in filing the petition to set aside the abatement caused due to the death of the fourth respondent in the Appeal, to set aside the abatement caused due to the death of the fourth respondent in the



Appeal and to bring on record the proposed respondents 1 herein as legal representatives of the deceased fourth respondent and rank them as respondents 10 and 11 in the Appeal.

2. Heard the learned counsel appearing for the petitioners. Though the respondents are served, there is no representation for them.

3. The reasons stated in the accompanying affidavit are not satisfactory. However, in order to give opportunity to the parties to resolve the dispute on merits, the delay is condoned and the petitions are allowed.

4. The learned counsel appearing for the petitioners is directed to file the amended Memorandum of Appeal Grounds within a week from today, failing which, the appeal shall stand dismissed automatically.

5. List the matter on 02.06.2023.

sd/-
27/04/2023

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/05/2023

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

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TO

1 The Sub Judge, Tuticorin.

2 The Principal District Munsif, Tuticorin.

Copy to

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

ORDER
IN
C.M.P. (MD) Nos.2938, 2941 &
2943 of 2023
in
S.A.No.794 of 1999
Date :27/04/2023