



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

Thursday, the Thirteenth day of July Two Thousand and Twenty Three
PRESENT

WEB COPY

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) Nos.3111,3112 & 3119 of 2023
in
SA(MD) No.288 of 2007

in CMP(MD) Nos.3111,3112 & 3119 of 2023:

THAILET SOBANA BAI

... Petitioner / Appellant

Vs

1 DEVADAS (DIED)

... 1st Respondent

2 RAJARATHINAM (DIED)

... 2nd Respondent

3 THANKAMMA (DIED)

... 3rd Respondent

4 JAYAPRAKASH (DIED)

... 4th Respondent

5 JUSTIN PRAKASH

6 SARATHA BAI

7 DEVANESAM

8 MERCY BAI

9 D.MANO

10 D.BENNINAL

11 D.KONAL

12 V.MARIA STANLAWS

13 T.SANTHAKUMARI

14 J.P.BILGIN

15 J.P.BILBIN

... Respondents 5 to 15 /
Respondents 5 to 15

16 LALITHA RAJARATHINAM

17 RAJAM SHANTHI

<https://www.mhc.tn.gov.in/judis>



18 BABURAJ

... Respondents 16 to 18 /
Proposed Respondents 13 to 18

in SA(MD) No.288 of 2007:

THAILET SOBANA BAI

... 7th Defendant/ Appellant / Appellant

Vs

1 DEVADAS (DIED)

2 RAJARATHINAM

3 THANKAMMA

4 JAYAPRAKASH (DIED)

5 JUSTIN PRAKASH

6 SARATHA BAI

7 DEVANESAM

... Respondents / Respondents /
Plaintiff, Defendants 1 to 3, 6,8 and 9

8 MRS.MERCY BAI

9 D.MANO

10 D.BENNINAL

11 D.KONAL

... Respondents 8 to 11

(RESPONDENTS 8 to 11 ARE BROUGHT ON RECORD AS
LRS OF THE DECEASED 1ST RESPONDENT VIDE COURT
ORDER DATED 31.01.2023 MADE IN CMP(MD)
NOS.10221 TO 10223 OF 2016 IN SA(MD) NO.288
OF 2007)

12 V.MARIA STANLAWS

13 T.SANTHAKUMARI

14 J.P.BILGIN

15 J.P.BILBIN

... Respondents 12 to 15

(RESPONDENTS 12 TO 15 ARE BROUGHT ON RECORD
AS LRS OF THE DECEASED 4TH RESPONDENT VIDE
COURT ORDER DATE 31.01.2023 IN CMP (MD)
NOS.10218, 10219 AND 10220 OF 2016 IN SA(MD)
NO.288 OF 2007)



16 LALITHA RAJARATHINAM

17 RAJAM SHANTHI

18 BABURAJ

... RESPONDENTS 16 TO 18

(Respondents 16 to 18 are brought on record as LRs of the deceased 2nd respondent vide Court order dated 13.07.2023 made in CMP(MD) Nos.3111, 3112 and 3119 of 2023 in SA(MD) No.288 of 2007)

Prayer in CMP(MD).3111/2023:

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 207 days in filing the petition to set aside the abatement caused due to the death of 2nd respondent in SA(MD).No.288 of 2007.

Prayer in CMP(MD). 3112/ 2023 :

To set aside the abatement caused due to the death of 2nd respondent in SA(MD).No.288 of 2007.

Prayer in CMP(MD). 3119/ 2023 :

To Bring on Record the proposed respondents as the legal representative of the deceased 2nd respondent and rank them as Respondents 16 to 18 in SA(MD).No.288 of 2007.

Prayer in SA(MD) No.288 of 2007:

To prefer this Memorandum of Grounds of second appeal against the Judgment and decree dt.20.7.2006 made in AS.53/2003 on the file of the Subordinate Judge, Kuzhithurai, confirming and modifying the Judgment and decree dt.11.4.2003 made in OS.89/1993 on the file of the IInd Additional District munsif, kuzhithurai.

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 M/S.H.LAKSHMI SHANKAR, Advocate for the petitioner in all the Petitions, the Court made the following order:-

This Court, by order dated 26.06.2023 allowed the petition in CMP (MD)No.3111 of 2023 with cost of Rs.2,000/-.

2.When the matter is taken up for hearing today, learned counsel for the petitioner filed a cost memo along a demand draft for a sum of Rs.2,000/- dated 07.07.2023.

3.Therefore, the petition in CMP(MD)No.3111 of 2023 is allowed. Consequently, the petitions in CMP(MD)Nos.3112 and 3119 of 2023 are allowed.



4. Registry is directed to carry out the necessary amendment in the cause title and the appellant is directed to file the amended copy of the ground of appeal on or before 31.07.2023.

sd/-

13/07/2023

WEB COPY

/ TRUE COPY /

13/07/2023

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

SKN

TO

1. The Subordinate Judge,
Kuzhithurai.
2. The II Additional District Munsif,
Kuzhithurai.

Copy to:

1. The Sub Assistant Registrar,
AE Section,
Madurai Bench of Madras High Court, Madurai.
2. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CMP (MD) Nos. 3111, 3112 & 3119 of 2023
in

SA (MD) No. 288 of 2007

Date : 13/07/2023

(½)

SS/MMS/19/07/2023/4P/5C