



CMP(MD). No.4453 &4455 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Thursday, the Twenty First day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD). No.4453 &4455 of 2023

in

AS(MD) No.189 of 2011

1. Pandi

2. Muthuraman

3. Pothumponnu

4. Karthick

... Petitioners/Petitioners/ Appellant

Vs

1 V.Kamachi (Died),

...1st Respondent

2 Kathaiah

3 Rengan

...Respondents 2 &3/Respondents 2&3/Respondents 2 &3

4 Ganesan (Died)

5 Kamalam

6 Angammal (Died)

7 Vasanthal

8 Amirtham @ Pothumponnu

9 Tmt.Mangayee

...Respondents 7 to 9/Respondents 7 to 9/Respondents 7 to 9

10 Shanthi

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



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11 Kannadasan

12 Thirunavukarasu

13 Santhya

14 Rani

15 Muthulakshmi

16 Selvaras

17 Parameswari

... Respondent 14 to 17/proposed Respondent 14 to 17/
proposed Respondent 14 to 17

Prayer in CMP(MD). No.4453 of 2023:-

This Civil Miscellaneous Petition is filed under order 22 Rule 9 of C.P.C., to set aside the abatement caused due to the death of the 6th respondent Angammal in CMP(MD).No.8596 of 2022 in A.S.(MD).No.189 of 2011.

Prayer in CMP(MD) No.4455 of 2023:-

This Civil Miscellaneous Petition is filed under order 22 Rule 4 of C.P.C., to bring on record the respondent 14 to 17 as legal representatives of deceased 6th respondent Angammal and rank them as respondents 14 to 17 in CMP(MD)No.8596 of 2022 AS(MD)NO.189 OF 2011.

Prayer in AS(MS)No.189 of 2011:-

This Appeal Suit is filed under section 96 of C.P.C., to prefer against the Judgment and decree dated 27/04/2011 in OS No.6 of 2006, on the file of the District

Judge, Sivagangai.

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ORDER:-

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This 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.K.P.Narayana Kumar, Advocate for the Petitioner and of Mr.P.Maharajan, for the 2nd and 3rd respondents, this Court made the following order:

The above applications have been filed (i) to set aside the abatement caused due to the death of the sixth respondent and (ii) to bring on record the respondents 14 to 17 herein as legal representatives of the deceased sixth respondent and rank them as respondents 14 to 17 in C.M.P.(MD)No.8596 of 2022 in A.S.(MD)No.189 of 2011.

2. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents 2 and 3.

3. It is seen from the records that the application in C.M.P.(MD)No.4452 of 2023 to condone the delay of 2534 days in filing the petition to set aside the abatement has been allowed vide order dated 21.09.2023.

4. Considering the facts and circumstances and also the reasons assigned,



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these petitions are ordered and the Registry is directed to carry out necessary amendments in the petition and list the same on **11.10.2023**.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/10/2023

Sub Assistant Registrar(CS)

Csm

TO

The District Judge, Sivagangai.

Copy to:

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



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ORDER DATED : 21/09/2023

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ORDER

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CMP(MD)Nos.4453 & 4455 of 2023

in

AS(MD) No.189 of 2011

Giving direction and etc.
as stated within.

RD(05/10/2023) 5P / 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.