



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

Thursday, the Twenty Second day of June Two Thousand and Twenty
Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) Nos.4584, 4586 and 4588 of 2020

IN

SA(MD) No.7 of 2013

A. SARASU ... Petitioner / Appellant
in all petitions

Vs

1 V. PALANICHAMY (DIED) ... Sole Respondent in Second Appeal
in all petitions

2 P.SELVI

3 P.KEERATHANA

4 MINOR.P.KISHORE ... Respondents / Proposed Parties
in all petitions

(MINOR FOURTH RESPONDENT IS REPRESENTED BY HIS MOTHER AND NATURAL
GUARDIAN, THE SECOND RESPONDENT)

Prayer in CMP(MD). 4584/ 2020 :

To pass an order condoning the delay of 2078 days in filing
the application to set aside the abatement of the second appeal in
S.A.(MD).No.7 of 2013 caused due to the death of the sole
respondent, Palanichamy.

Prayer in CMP(MD). 4586/ 2020 :

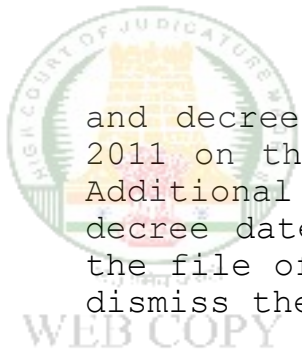
To pass an order setting aside the abatement of the second
appeal in S.A.(MD).No.7 of 2013 caused due to the death of the sole
respondent, Palanichamy.

Prayer in CMP(MD). 4588/ 2020 :

To pass an order bringing on record respondents 2 to 4
proposed parties as legal representatives of the deceased sole
respondent, Palanichamy and array them as respondents 2 to 4 in the
Second Appeal in S.A(MD).No.7 of 2013.

Prayer in SA(MD) No.7 of 2013:

<https://www.mhc.tn.gov.in/judis> To pass a decree and judgement setting aside the judgement



and decree dated 21.06.2012 passed in the appeal in A.S.N of 2011 on the file of the Subordinate Judge, Usilampatti Camp (Third Additional Subordinate Judge, Madurai) reversing the judgement and decree dated 30.04.2011 passed in the suit in O.S.No.42 of 2001 on the file of the District Munsif cum Judicial Magistrate, Madurai and dismiss the suit in entirety with costs throughout.

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

There is no proof filed for the age of the fourth respondent. Hence these petitions are dismissed with liberty to file fresh application after ascertaining the age of the fourth respondent on the same cause of action.

sd/-
22/06/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

To

1.The Subordinate Judge,
Usilampatti Camp,
(Third Additional Subordinate Judge, Madurai).

2.The District Munsif cum Judicial Magistrate,
Madurai.

ORDER
IN
CMP (MD) Nos.4584, 4586 and
4588 of 2020
IN
SA(MD) No.7 of 2013
Date :22/06/2023

ED/VS/SAR- (04/07/2023) 2P 3C