



CMP(MD) No.6790 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
Tuesday, the Tenth day of October Two Thousand and Twenty Three
PRESENT
The Hon`ble Mrs.Justice S.SRIMATHY
C.M.P.(MD)Nos.6790, 6792 and 6793 of 2023
in
S.A.(MD)No.456 of 2020

DHANUSHKODI

... PETITIONER/APELLANT
IN ALL CMP's

Vs

LAKSHMI (DIED)

1.DHANAM
2 SELVAM
3 MUNIYASAMY
4 MADURAIVEERAN
5 RAMESH
6 NAGARAJ
7 MUNESWARI W/O.MUKKAI AH
8 MUNESWARI W/O.BALAKRISHNAN

... 1-8 RESPONDENTS/RESPONDENTS
IN ALL CMP's

9 BANUMATHI
10 DIVYA
11 SIVA SHANKARI
12 SANGEETHA
13 KALEESAWARAN

... PROPOSED RESPONDENTS/3RD PARTIES
IN ALL CMP's

Prayer in CMP(MD).6790/2023 :

To condone the delay of 311 days in seeking to set aside the Abatement caused by the death of 1st Respondent in this Present Appeal in S.A(MD)No.456 of 2020 on the file of this Honourable court.



CMP(MD) No.6790 of 2023

Prayer in CMP(MD). 6792/ 2023 :

To set aside the abatement caused by the death of the 3rd Respondent in this Appeal in S.A(MD)No.456 of 2020 on the file of this Honourable court.

Prayer in CMP(MD). 6793/ 2023 :

To bring on record the proposed Respondents/3rd Parties, the Legal representative of the deceased 3rd Respondent, as 9 to 13 Respondents in this Appeal in S.A(MD).No.456 of 2020 on the file of this Honourable court.

Prayer in SA(MD). 456/ 2020 :

To call for the records and set aside the judgment and decree dated 25.10.2019 made in A.S. No. 30 of 2017 on the file of the Subordinate Court, Mudukulathur, reversing the Judgment and Decree dated 15.07.2015 made in O.S. No. 23 of 2014 on the file of the District Munsif cum Judicial Magistrate Court, Kamuthi and allow the SA with costs.

COMMON ORDER : These Civil Miscellaneous 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.VADIVELAN, Advocate for the petitioner in all CMP's and of MR.PT.S.NARENDRAVASAN, Advocate on behalf of the Respondent Nos.1, 2, 4 & 6 the court made the following order:-

The learned Counsel appearing for respondents 1,2,4 and 6 submitted that the 3rd respondent namely Muniyasamy died for which the sole appellant has file an impleading petition on 05.06.2023. However, the sole appellant Dhanushkodi died on 12.08.2022.

2.Therefore, these Civil Miscellaneous Petitions had been filed subsequent to the death of the appellant Dhanushkodi. Hence, the Civil Miscellaneous Petitions are dismissed. The learned Counsel for the appellant is directed to file legal heir petition for Dhanushkodi within a period of two weeks.



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3. Post the second appeal after two weeks.

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sd/-
10/10/2023

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/10/2023

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

tmg

TO

1 THE SUBORDINATE JUDGE, MUDUKULATHUR.

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, KAMUTHI.

ORDER IN

C.M.P.(MD)Nos.6790, 6792 and 6793 of 2023
in S.A.(MD)No.456 of 2020

Date :10/10/2023

RS/JGB/SAR-(11.10.2023) 3P 3C

Madurai Bench of Madras High Court is issuing
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