



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction



Friday, the Third day of February Two Thousand and Twenty Three

PRESENT

WEB COPY

The Hon`ble Mr.Justice S.SOUNTAR

CMP(MD) . Nos.7277 to 7279 of 2019
in
SA(MD) .No.348 of 2015

1. Titus

2. Julict Mary

... Petitioners/Appellants

Vs

1 Sadanandhan

2 Appu

3 Mohandoss

4 Rajagopal

5 Michael (Died)

6 Pushpanjala

7 Francis

8 Yesudhas

9 Mathuramony

10 Edimbra

11 The District Collector,
State of Tamil Nadu,
Kanniyakumari District at Nagercoil.

12 The Tahsildar,
Vilavancode Taluk,
Kuzhithurai,
Kanniyakumari District.

... Respondents 1 to 12/Respondents 1 to 12

13 Pushpanjali



15 Anusha

16 Anto

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

Prayer in CMP(MD). No.7277 of 2019:-

This Civil Miscellaneous Petition filed under Section 5 of Limitation Act, praying thus Court to Condone the delay of 1389 days in seeking to set aside the abatement caused by the death of the 5th Respondent in the above Second Appeal in S.A.(MD)No.348 of 2015.

Prayer in CMP(MD). 7278/ 2019 :

This Civil Miscellaneous Petition filed under Order 22 Rule 9 of C.P.C, praying this Court to set aside the abatement caused by the death of the 5th Respondent in the above Second Appeal in S.A.(MD)No.348 of 2015.

Prayer in CMP(MD). 7279/ 2019 :

This Civil Miscellaneous Petition filed under Order 22 Rule 3 of C.P.C, praying this Court to bring on record-Respondents No.13 to 16 herein, who are the Legal Representatives of deceased 5th Respondent-Michael and Rank them as Respondents No.13 to 16 in the above S.A.(MD)No.348 of 2015.

Prayer in SA(MD).No. 348 of 2015:

This Second Appeal filed under Section 100 of 100 of C.P.C. against the Judgment and Decree dated 06.02.2015 made in A.S.No. 112 of 2011 on the file of the Sub Court(Camp) at Kuzhithurai reversing the Judgment and Decree dated 16.09.2011 made in O.S. No. 412 of 2000 on the file of the 1st Additional District Munsif Court, Kuzhithurai.

ORDER:- These Petitions coming on for hearing on this Friday, the Third day of February Two Thousand and Twenty Three for not having represented the batta with petition along with the affidavit and in the non appearance of the counsel, and this Court having granted time till 20.02.2023 as condition precedent and the said advocate not having complied with the said direction of this Court, it is ordered that these Petitions do stand dismissed against the respondents 13 to 16.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/03/2023

Sub Assistant Registrar(CS)

ABR



To

1. The Sub Judge (Camp Court), Kuzhithurai.
2. The 1st Additional District Munsif, Kuzhithurai.
3. The District Collector,
State of Tamil Nadu,
Kanniyakumari District at Nagercoil.
4. The Tahsildar,
Vilavancode Taluk,
Kuzhithurai,
Kanniyakumari District.

ORDER DATED : 03/02/2023

=====

ORDER (Batta Default)

=====

CMP (MD) . Nos.7277 to 7279 of 2019
in
SA (MD) .No.348 of 2015

SI (01.03.2023) 3P/ 5C