



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

Monday, the Tenth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.1103 to 1105 of 2018

IN

SA No.575 of 1999

1 R.KRISHNASAMY THEVAR (DIED)

(*) 2.MUTHIAH THEVAR (DIED)

3 RAMATHAL

4 ARUNAGIRI PANDIAN

5 MURUGESAN

6 RAMALAKSHMI

7 VALLITHAI

8 SHANMUGATHAI

9 MUTHUPANDIYAN ... PETITIONERS 1 TO 7 / PROPOSED APPELLANTS 3 TO 9
Vs

1 NAVANEETHAKRISHNAN THEVAR (DIED)

2 CHELLATHAI

(*) 3 THANGAPANDIAN (DIED)

4 CHIDAMBARAPANDIAN

5 MUTHUDURAI

6 SHENBAGAVALLI

7 SUBBULAKSHMI ...RESPONDENTS 1 TO 6/ PROPOSED RESPONDENTS 2 TO 7

8 RAMARAMMAL

9 MARIDURAI @ MARIAPPAN ... RESPONDENTS 7 & 8

/ PROPOSED RESPONDENTS 8 & 9

(*)RESPONDENTS 8 AND 9 ARE BROUGHT ON
RECORD AS LRS OF THE DECEASED 2ND
PETITIONER VIDE COURT ORDER DATED
09.11.2022 MADE IN CMP(MD)No.1100 TO
1102/2018 IN SA No. 575/1999.

10 MANIMEGALI

11 VIGNESWARI

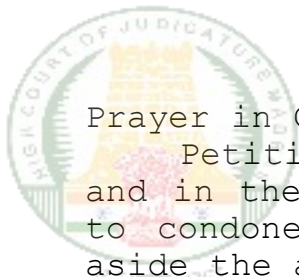
12 SATHISH

13 VENI ... RESPONDENTS 10 TO 13

RESPONDENTS 10 TO 13 ARE BROUGHT ON RECORD AS
LRS OF THE DECEASED 3rd RESPONDENT VIDE COURT
ORDER DATED 08.06.2023 MADE IN CMP(MD)No.10925
OF 2022 IN SA No. 575 of 1999

CAUSE TITLE ACCEPTED, VIDE COURT ORDER DATED

10.01.2023 MADE IN CMP(MD)No. 8303/2016



Prayer in CMP(MD). 1103/ 2018 :

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 4118 days in filing the petition to set aside the abatement caused due to the death of 1st Appellant.

Prayer in CMP(MD). 1104/ 2018 :

Pleaded to set aside the abatement as against the sole respondent namely Navaneethakrishnan which is abated on 9.3.2005

Prayer in CMP(MD). 1105/ 2018 :

Pleaded to the respondents 1 to 6 as respondents 2 to 7 in the second appeal as legal heirs of the deceased sole respondent namely Navaneethakrishnan .

Prayer in SA No.575 of 1999:

To allow this appeal by setting aside the judgment and decree in A.S.No.17 of 1998 dated 16.02.1999 on the file of the Additional Sub Court, Tenkasi and to restore the judgment and decree in O.S.No.29 of 1995 dated 04.11.1997 on the file of the Principal District Munsif, Sankarankovil.

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 Mr.K.SATHIYA SINGH, Advocate for the petitioners, the court made the following order:-

Order of this court dated 20.06.2023 has not been complied with. Hence, CMP(MD)No.1103 of 2018 is dismissed. Consequential petitions in CMP(MD) Nos.1104 & 1105/2018 are dismissed.

sd/-

10/07/2023

/ TRUE COPY /

/07/2023

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

MBI

TO

1 THE ADDITIONAL SUB JUDGE, TENKASI

2 THE PRINCIPAL DISTRICT MUNSIF, SANKARANKOVIL

+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-10461[I] dated 11/07/2023

ORDER

IN

CMP(MD) No.1103 to 1105 of 2018

IN

SA No.575 of 1999

Date :10/07/2023