



CMP(MD) No.9761 of 2023

WEB COPY

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

Monday, the Seventh day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD) No.9761 of 2023

in

SA(MD) No.624 of 2013

1 GANESAN,
2 MURUGAN

... PETITIONERS/PETITIONERS/ APPELLANTS

Vs

1 THUCKKAMMAL (DIED)

2 SINGARAM

3 PALANIAMMAL

4 KANNAN

... RESPONDENTS/RESPONDENTS/RESPONDENTS

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to restore the applications in C.M.P.(MD).No.3664 of 2019 to C.M.P.(MD).No.3666 of 2019 order dated 21-08-2020 in S.A.(MD).No.624 of 2013 and pass such other suitable orders and thereby render justice.

Prayer in CMP(MD). 3664/ 2019 :

To pass an order condone delay 156 days in filing the application to set aside application caused due to the death of 1st respondent.

Prayer in CMP(MD). 3665/ 2019 :

To pass an order setting aside the abatement caused due to the death of 1st respondent.

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



CMP(MD) No.9761 of 2023

Prayer in CMP(MD). 3666/ 2019 :

To pass an order to bring on record the respondents 3 and 4/proposed parties as the legal representations of the deceased 1st respondent and rank them as respondents 3 and 4 in S.A(MD)No.624 of 2013.

Prayer in SA(MD).624/2013 :

To call for the records in judgement and decree dated 18.04.2013 in A.S.No.111 of 2011 on the file of the Principal Sub-Court, Dindigul and confirming the judgement and decree dated 13.09.2011 in O.S.No.56 of 2007 on the file of the District Munsif cum Judicial Magistrate, Natham and allow this appeal with costs.

ORDER : This 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.H. LAKSHMI SHANKAR, Advocate for the petitioner and of MR.PTS.NARENDRAVASAN on behalf of the 2nd Respondent, the court made the following order:-

The order of this Court dated 21.08.2020 has been complied with. Cost Memo is filed and it is recorded.

2. The learned counsel for the respondents has no objection to allow this petition.

3. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this petition is allowed and C.M.P(MD)Nos.3664 to 3666 of 2019 are restored to file.

4. The learned counsel for the respondents submitted that the second respondent in the appeal passed away.

5. The learned counsel appearing for the appellants submitted that they have filed application to bring on record the legal representatives of the deceased second



CMP(MD) No.9761 of 2023

respondent.

WEB COPY

6. Registry is directed to number the application, if it is otherwise in order, and list the application along with this matter on 17.08.2023.

sd/-
07/08/2023

/ TRUE COPY /

30/08/2023

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

mbi

TO

1 THE PRINCIPAL SUBORDINATE JUDGE, DINDIGUL.

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, NATHAM.

COPY TO

THE SECTION OFFICER, JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CMP(MD) No.9761 of 2023
in
SA(MD) No.624 of 2013
Date :07/08/2023

RS/VRS/SAR-(30.08.2023) 3P 4C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023