



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Civil Appellate Jurisdiction

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

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD). Nos.6245,6246, 6247 of 2016
in SA.NO.632 of 2002

and

CMP(MD). Nos.6248,6249,6250 of 2016
in SA.No.634 of 2002

and

CMP(MD). Nos.6251,6252, 6253 of 2016
in SA.No.635 of 2002

Therasammal

... Petitioner/ Appellant in all cases

... vs...

1 Manuel Chellappan (Died) in MP(MD).No.1/2011 in SA.632 of 2002
Devadhas (Died)

2 Maria Thankarani

3 Pushpa Rajeswari

4 D.Antony Manuel Rajan

5 D.Arun ... Respondents/Deceased 1st Respondent,
2nd Respondent and proposed Respondents
in CMP(MD). Nos.6245,6246, 6247 of 2016



1. D.M.Chellappan (died),

in MP(MD).No.1/2011
in SA.634 and 635 of 2002

Devadhas (Died)

2. Pushpa Rajeswari

3. D.Antony Manuel Rajan

4. D.Arun

... Respondents/Deceased sole Respondent
and proposed respondents in
CMP(MD). Nos.6248,6249,6250 of 2016
and
CMP(MD). Nos.6251,6252, 6253 of 2016

Prayer in CMP(MD). No.6245 of 2016 :

Civil Miscellaneous petition filed U/s.5 of Limitation Act to condone the delay of 1698 days in seeking to set aside the abatement of the Second Appeal SA.No.632 of 2002 due to the death of M.Devadhas, one of the legal representatives of the deceased 1st respondent.

Prayer in CMP(MD). No.6246 of 2016 :

Civil Miscellaneous petition filed under order 22 Rule 9 of Civil Procedure Code to set aside the abatement of the Second Appeal SA.No.632 of 2002 due to the death of M.Devadhas, one of the legal representatives of the deceased 1st respondent.

Prayer in CMP(MD). No.6247 of 2016 :

Civil Miscellaneous petition filed under order 22 Rule 4 of Civil Procedure Code to bring on record the respondents 3 to 5 also as legal representatives the Second Appeal SA.No.632 of 2002 due to the death of M.Devadhas, one of the legal representatives of the deceased 1st respondent.

PRAYER in SA.No.632 of 2002: Second Appeal filed under Section 100 of Code of Civil Procedure, against the judgment and decree, dated 12.12.2001 and made by the learned Subordinate Judge of Padmanabhapuram in A.S.No.66/1998 confirming the judgment and decree dated 27.02.1998 of the learned Principal District Munsif of Padmanabhapuram in O.S.No.827/1989.

Prayer in CMP(MD). No.6248 of 2016 :

Civil Miscellaneous petition filed U/s.5 of Limitation Act to condone the delay of 1698 days in seeking to set aside the abatement of the Second Appeal SA.No.634



of 2002 due to the death of M.Devadhas, one of the legal representatives of the deceased sole respondent.

Prayer in CMP(MD). No.6249 of 2016 :

Civil Miscellaneous petition filed under order 22 Rule 9 of Civil Procedure Code to set aside the abatement of the Second Appeal SA.No.634 of 2002 due to the death of M.Devadhas, one of the legal representatives of the deceased sole respondent.

Prayer in CMP(MD). No.6250 of 2016 :

Civil Miscellaneous petition filed under order 22 Rule 4 of Civil Procedure Code to bring on record the respondents 2 to 4 also as legal representatives the Second Appeal SA.No.634 of 2002 due to the death of M.Devadhas, one of the legal representatives of the deceased sole respondent.

PRAYER in SA.No.634 of 2002 : Second Appeal filed under Section 100 of Code of Civil Procedure, against the judgment and decree, dated 12.12.2001 and made by the learned Subordinate Judge of Padmanabhapuram in A.S.No.67/1998 confirming the judgment and decree dated 27.02.1998 of the learned Principal District Munsif of Padmanabhapuram in O.S.No.117 of 1990.

Prayer in CMP(MD). No.6251 of 2016 :

Civil Miscellaneous petition filed U/s.5 of Limitation Act to condone the delay of 1698 days in seeking to set aside the abatement of the Second Appeal SA.No.635 of 2002 due to the death of M.Devadhas, one of the legal representatives of the deceased sole respondent.

Prayer in CMP(MD). No.6252 of 2016 :

Civil Miscellaneous petition filed under order 22 Rule 9 of Civil Procedure Code to set aside the abatement of the Second Appeal SA.No.635 of 2002 due to the death of M.Devadhas, one of the legal representatives of the deceased sole respondent.

Prayer in CMP(MD). No.6253 of 2016 :

Civil Miscellaneous petition filed under order 22 Rule 4 of Civil Procedure Code to bring on record the respondents 2 to 4 also as legal representatives the Second Appeal SA.No.635 of 2002 due to the death of M.Devadhas, one of the legal representatives of the deceased sole respondent.



PRAYER in SA.635 of 2002: Second Appeal filed under Section 100 of Code of Civil Procedure, against the judgment and decree, dated 12.12.2001 and made by the learned Subordinate Judge of Padmanabhapuram in A.S.No.68/1998 confirming the judgment and decree dated 27.02.1998 of the learned Principal District Munsif of Padmanabhapuram in O.S.No.851 of 1989.

ORDER:- These Civil Miscellaneous Petitions are coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. K.N.Thampi, Advocate for the Petitioner, this Court made the following order:

These applications are filed to condone the delay of 1698 days in filing the applications to set aside the abatement caused due to the death of the first appellant, sole respondent and sole respondent in the second appeal, set aside the abatement and to bring on record the legal representatives.

2. Pending these applications sole appellant/petitioner in all the applications died and sofar no steps have been taken till today, hence, these applications are dismissed.

Sd/-

Assistant Registrar(CS III)

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/02/2024

Sub Assistant Registrar
(CS - I/ II / III /IV)



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1. The Subordinate Judge, Padmanabhapuram.

2. The Principal District Munsif,
Padmanabhapuram.

ORDER DATED : 22/06/2023

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ORDER

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CMP(MD). Nos.6245,6246, 6247 of 2016
in SA.NO.632 of 2002

and

CMP(MD). Nos.6248,6249,6250 of 2016
in SA.No.634 of 2002

and

CMP(MD). Nos.6251,6252, 6253 of 2016
in SA.No.635 of 2002

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Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023