



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

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

PRESENT

The Hon`ble Mr.Justice S.SOUNTHAR

C.M.P (MD) Nos.12055, 12056 & 12057 of 2018
in
S.A. (MD) .No.1071 of 2005

SREENIVASAN

... PETITIONER/APELLANT
IN ALL CMP

Vs

1 VELAYUTHA PERUMAL NADAR (DIED) ,

2 VIJAYAKUMAR

3 AYIRIN JENELET

4 A.CHANDRASEKHAR

5 PARIMALA

6 JAMUNA

7 GIRIJA (DIED)

...RESPONDENTS 1-7/RESPONDENTS 1-7
IN ALL CMP

8 ROSAMMAL (DIED)

9 NAGARAJAN (DIED)

10 STEPHEN

S/O.VELAYUDHA PERUMAL NADAR, THAMARAI
THOTTAM, KUMARAPURAM POST, K.K.DT

11 RUSKIN RAJA (DIED)

12 LATHAKUMARI

...RESPONDENTS 8 -12/PROPOSED RESPONDENTS 8-12
(L.RS. OF R1) (PENDING IN MP (MD) Nos 1-3/2008)
IN ALL CMP

13 KANDHASWAMY

14 MINOR DHIVYA SREE ...RESPONDENTS 13,14/PROPOSED RESPONDENTS 13,14
(L.RS OF R7) IN ALL CMP

(REP.BY HER FATHER AND GUARDIAN THE 13TH

<https://www.mca.gov.in> RESPONDENTS HEREIN)



15 MARIYA REETHA

16 SUHIL MOL

17 MICHAEL CLEMENT RAJA

18 BENESAN RAJA ..RESPONDENTS 15-18/ PROPOSED RESPONDENTS 15-18
(L.RS.OF R9) IN ALL CMP

19 MARY SUHILA

20 MINOR SHALMIYA

21 MINOR HELMEYA ...RESPONDENTS 19-21/PROPOSED RESPONDENTS 19-21
(L.RS. OF R11) IN ALL CMP

(MINOR RESPONDENTS 20 AND 21 ARE REP.BY
THEIR MOTHER AND GUARDIAN THE 19TH
RESPONDENT HEREIN)

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 1508 days in filing the petition to set aside abatement caused due to the death of the deceased 11th respondent.

Prayer in CMP(MD). 12056/ 2018 :

Pleased to set aside abatement caused due to the death of the deceased 11th respondent.

Prayer in CMP(MD). 12057/ 2018 :

Pleased to bring on record the respondents 19 to 21 herein, the legal heirs of the deceased 11th respondent, as respondents 19 to 21 in the above Second Appeal.

Prayer in SA(MD)No.1071 of 2005:

To prefer this Memorandum of Grounds of Second Appeal before this Hon'ble Court against Judgment and Decree dated 21.09.2004 passed in A.S.No.108 of 2001 by the 1st Additional Sub Court, Nagercoil (Camp Court, Padmanabhapuram) modifying Judgment and Decree dated 27.08.2001 passed in O.S.No.273 of 1999 by the Principal District Munsiff Padmanabhapuram.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of M/S.J.ANANDHAVALLI, Advocate for the petitioner, the court made the following order:-

These Civil Miscellaneous Petitions were treated as petitions filed in M.P(MD)Nos.1 to 3 of 2008 in S.A(MD)No.1071 of 2005 allowed <https://www.mhc07.go.in/judis> 023. However, it was not brought to the notice of this



S.A.(MD).



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Court that M.P(MD)Nos.1 to 3 of 2008 were dismissed as against the 10th respondent therein namely Ruskin Raja. The present Civil Miscellaneous Petitions are filed to bring on record the legal representatives of Ruskin Raja. Therefore, the order, dated 07.02.2023 is re-called.

2. In view of the order passed by this Court on 14.12.2017, dismissing M.P(MD)Nos.1 to 3 of 2008 as against the 10th respondent Ruskin Raja for non payment of batta, these Civil Miscellaneous Petitions are dismissed for the present.

3. It is stated by the learned counsel for the petitioner that she had taken steps to restore M.P(MD)Nos.1 to 3 of 2008 as against the respondents Rosammal - R7, Stephen - R9 and Ruskin Raja-R10. As soon as those petitions are restored, the petitioner is at liberty to file a petition to bring on record the legal representatives of deceased Ruskin Raja.

sd/-

03/03/2023

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/03/2023

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

VSD
TO

1 THE I ADDITIONAL SUBORDINATE JUDGE,
NAGERCOIL (CAMP COURT,
PADMANABHAPURAM)

2 THE PRINCIPAL DISTRICT MUNSIF
PADMANABHAPURAM

ORDER

IN

C.M.P (MD) Nos.12055, 12056
& 12057 of 2018

in

S.A. (MD) .No.1071 of 2005

Date :03/03/2023

PKP/BUC/SAR-1/14.03.2023/ **3P/3C**