



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

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.SOUNTHAR

CMP(MD) Nos.5734 to 5736 of 2018

IN

SA(MD) No.233 of 2008

1 PERUMAL KONAR (DIED)

2 RAVICHANTHIRAN

2 MEYYAPPAN

3 RAJENDRAN

4 AMSAVALLI

... PETITIONERS 4&5/
PROPOSED APPELLANTS 5 & 6
IN ALL CASES

Vs

1 THE REVENUE DIVISIONAL OFFICER,
PUDUKKOTTAI, PUBLIC OFFICE PREMISES,
PUDUKKOTTAI.

2 THE DISTRICT REVENUE PREMISES
COLLECTORATE, PUDUKKOTTAI.

3 THE STATE OF TAMIL NADU
REP.BY THE DISTRICT COLLECTOR,
COLLECTORATE, PUDUKKOTTAI.

4 MEYYAPPAN PANDURAR

... RESPONDENTS/RESPONDENTS
IN ALL CASES

Prayer in CMP(MD) No.5734 of 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 1773 daysa in filing the petition to set aside the abatement caused due to the death of the 1st respondent and thus render justice.

Prayer in CMP(MD). 5735/ 2018 :

To set aside the abatement caused due to the death of the 1st respondent and thus render justice.



Prayer in CMP(MD). 5736/ 2018 :

To bring on record the petitioners 4 and 5 as appellants 5 and 6 and thus render justice.

PRAYER IN SA(MD) No.233 of 2008:

To set aside the decree and judgment of the learned Subordinate Judge, Pudukkottai made in A.S.No.25 of 2005 dated 31.03.2006, reversing the judgment and decree of the learned Principal District Munsif, Pudukkottai made in O.S.No.124 of 2003 dated 23.07.2004 by allowing this appeal.

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.R.P.RAMACHANDRAN, Advocate for the petitioner in all cases, the court made the following order:-

These Civil Miscellaneous Petitions were allowed by this Court on 09.02.2023. The Petitioners have filed C.M.P(MD)No.5736 of 2018 to bring on record the legal representatives of the deceased first appellant Perumal Konar. In the Petition, the Petitioners have prayed this Court to record the Petitioners 4 and 5 as legal representatives of the deceased first appellant Perumal Konar and rank them as appellants 5 and 6. However, the name of the fourth Petitioner is not at all mentioned in the Petition. In the affidavit filed in support of the Petition, it is stated that the Petitioners 4 and 5, who are the daughters of Perumal Konar have to be impleaded as his legal representatives. However, the name of Amsavalli, only one daughter of Perumal Konar is mentioned as fifth Petitioner. The name of the other daughter is not at all mentioned. Therefore, the order made in the above C.M.Ps', dated 09.02.2023, is recalled.

2.It is seen from the cause-title that the sons of Perumal Konar is already on record as appellants 2 to 4. Therefore, there will be no abatement of the Second Appeal. Hence, C.M.P(MD) Nos.5735 and C.M.P(MD)No.5734 of 2018 filed to set aside the abatement caused in the Second Appeal due to the death of first appellant Perumal Konar and to condone the delay in filing the application, are dismissed as unnecessary.

3.In C.M.P(MD)No.5736 of 2018, the Petitioners prayed to record the Petitioners 4 and 5 as legal representatives of the deceased first appellant. However, the name of the fourth Petitioner is not mentioned in the cause-title. Hence, this Petition is dismissed, with liberty to the Petitioners to file appropriate application for recording the daughters of Perumal Konar, as legal representatives of the deceased first appellant, if so advised.



CMP(MD)



18

4. Post the Second Appeal for hearing on **13.03.2023**.

sd/-

23/02/2023

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/03/2023

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

vsn

TO

1 THE REVENUE DIVISIONAL OFFICER,
PUDUKKOTTAI, PUBLIC OFFICE PREMISES,
PUDUKKOTTAI.

2 THE DISTRICT REVENUE PREMISES
COLLECTORATE, PUDUKKOTTAI.

3 THE DISTRICT COLLECTOR,
COLLECTORATE, PUDUKKOTTAI.

ORDER

IN

CMP (MD) Nos.5734 to 5736 of 2018
IN

SA (MD) No.233 of 2008

Date :23/02/2023

RK/BUC/SAR-1 (03/03/2023) 4P/4C