



SA(MD).No.253 of 2004

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Twentieth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD). Nos.10565, 10567,10568, 10570,10571 and 10573 of 2021
in
SA(MD).No.253 of 2004

Maragathavalli(Died)

2. Sugumaran

3. Manimegalai

4. Boovandran

... Petitioners 2 to 4/Proposed Petitioners
Legal heirs of the 1st Petitioner

Vs

1 Jenneth Nisha(Died),

2 Shak Mohamed,

3 Sahul Hammed

4 Paul Masthan,

5 Sakubar Ali,

6 Sariba Begam,

7 Jarina Begum,

8 Megaraj Begum,

... Respondents 2 to 8/Proposed Legal heirs
of deceased 1st Respondent

Prayer :-

Civil Miscellaneous Petitions in CMP(MD)Nos. Nos.10565, 10567,10568,

10570,10571 and 10573 of 2021 are filed Under Section 5 of the Limitation Act to

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



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condone the delay of 5434 days in filing an application to set aside the abatement
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caused due to the death of sole Appellant; under order 22 Rule 9(2) of Civil Procedure Code to set aside the abatement, caused in SA(MD).No.253 of 2004; filed under order 22 Rule 3 of Civil Procedure code to bring on record the proposed appellants 2 to 4/Legal heirs of the deceased sole Appellant and rank them as Appellants 2 to 4 in SA(MD).No.253 of 2004;

Under Section 5 of the Limitation Act to condone the delay of 5843 days in filing an application to set aside the abatement caused due to the death of sole Respondent in SA(MD).No.253 of 2004; filed under order 22 Rule 9(2) of Civil Procedure Code to set aside the abatement caused in SA(MD).No.253 of 2004 and filed under order 22 Rule 4 of Civil Procedure code to bring on record the proposed respondents 2 to 7/Legal heirs of the deceased sole Respondent and rank them as Appellants 2 to 8 in S.A(MD).253 of 2004 respectively

Prayer in SA(MD)No. 253 of 2004 :

Second Appeal is filed under section 100 of the code of Civil Procedure against the decree and Judgment of the court of the Additional District and Sessions Judge,

Ramanathapuram(Fast Track Court) made in AS.No.123 of 1998 dated 30.04.2002

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



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confirming the decree and Judgment of court of the District Munsif Paramakudi,
made in O.S.No.16 of 1995, dated 20.07.1998.

ORDER:- These Civil Miscellaneous Petitions are coming on for orders on this day and upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.D.Senthil, Advocate for the Petitioners and of Mr. T.R.Jeypalam advocate for the Respondents No.2,3,5, 7 and 8, this Court made the following order:

C.M.P.(MD)Nos.10565, 10567 and 10568 of 2021 are filed to condone the delay, to set aside the abatement and to bring on record the legal representatives of the deceased sole appellant and rank them as appellants 2 to 4 in the above second appeal.

2.C.M.P.(MD)Nos.10570, 10571 and 10573 of 2021 are filed to condone the delay, to set aside the abatement and to bring on record the legal representatives of the deceased sole respondent and rank them as respondents 2 to 8 in the above second appeal.



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3. The learned counsel for the respondents submits that he has no objection in allowing these petitions. Hence, these petitions are allowed.

4. Registry is directed to carry out necessary amendment in the cause title within a week. The appellants are directed to file the amended copy of the appeal memorandum on or before 04.09.2023.

Sd/-

Assistant Registrar (AS)

// True Copy //

01/09/2023

Sub Assistant Registrar(CS)

skn

TO

1. The Additional District and Sessions Judge,
Ramanathapuram (Fast Track Court)

2. The District Munsif, Paramakudi.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai
(for necessary amendment and posting the
matter)



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ORDER DATED : 20/07/2023

NEXT DATE : 04/09/2023

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ORDER
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CMP(MD). Nos.10565, 10567,10568,
10570,10571 and 10573 of 2021
in
SA(MD).No.253 of 2004

Giving direction and etc.
as stated within.

RD(01/09/2023) 5P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.