



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

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

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PRESENT
The Hon`ble Mr.Justice S.SOUNTHAR

C.M.P (MD) Nos.7611, 7612 and 7613 of 2018
in
S.A (MD) No.877 of 2007

T.R.PAPPA

... PETITIONER/APELLANT
IN ALL CASES

Vs

1 HENRY ALSON

2 T.M.T.JULIET

REP. BY HER POWER HOLDER 1ST RESPONDENT.

3 THE SECRETARY
THE NAGERCOIL CO-OPERATIVE HOUSING SOCIETY LTD.,
NO.Y-242-CHRISTOPHER NAGAR,
NAGERCOIL, KANYAKUMARI DISTRICT.

4 AZARIAH ROSS (DIED)

5 DEVARAJAN

6 G.K.STALIN

7 EUGIN

8 SAM JACOB
ISRO ENGINEER,
NEW MATHIAS HOSPITAL,
NAGERCOIL, AGASTEESWARAM TALUK,
KANYAKUMARI DISTRICT.

9 G.STEPHEN

10 SABRIDHAS

11 ROSE MARY

12 THE COMMISSIONER
THE NAGERCOIL MUNICIPALITY,
NAGERCOIL VILLAGE, AGASTEESWARAM TALUK,
KANYAKUMARI DISTRICT.



13 JEYA SEKAR

...RESPONDENTS/RESPONDENTS
IN ALL CASES

14 C.ARUL RETHINA SEELI

15 S.WISE CESTER

16 S. SELVIN JEBAROLD

... RESPONDENTS 14-16/
PROPOSED RESPONDENTS 14-16
IN ALL CASES

PRAYER IN C.M.P(MD)Nos.7611 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 418 days in seeking to set aside the abatement caused by the death of Azariah Ross, the 4th respondent in the above Second Appeal and render justice.

Prayer in CMP(MD). 7612/ 2018 :

Pleased to set aside the abatement caused by the death of Azariah Ross, the 4th respondent in the above Second Appeal and thus render justice.

Prayer in CMP(MD). 7613/ 2018 :

Pleased to bring the Respondents 14-16 herein on record who are the legal representatives of deceased Azariah Ross, the 4th respondent in the above Second Appeal as Respondents 14-16 in the above Second Appeal and render justice.

Prayer in SA(MD). 877/ 2007 :

The appellants above named beg to prefer this memorandum of grounds of SA against the Judgment and Decree dated 29/08/2006 made in AS.203/2003 on the file of the District Judge, Kanyakumari at Nagercoil, confirming the Judgment and Decree dated 10/01/2003 made in OS.67/1992 on the file of the Court of the 1st Additional Subordinate Judge, Nagercoil.

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 and not appeared for the petitioner either in person or through by an advocate and M/S.R.JEYA REVATHY for M/S.G.PRABHU RAJADURAI, Advocate for the Respondent No.1 in all cases and not appeared for the respondents 2 & 3 and 5 to 9 and 11 to 13 and 14 to 16 either in person or through by an advocate, the court made the following order:-

There is no representation for the petitioner.

2.In view of non payment of batta by the petitioner for taking notice to the proposed legal representatives R14 to R16 by order, dated 27.11.2019, these petitions were dismissed against the respondents 14 to 16. Therefore, nothing survives in these



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3.Hence, these Civil Miscellaneous Petitions are dismissed.

sd/-

23/02/2023

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/02/2023

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

vsd

TO

1.THE DISTRICT JUDGE, KANYAKUMARI AT NAGERCOIL.

2 THE 1ST ADDITIONAL SUBORDINATE JUDGE, NAGERCOIL.

ORDER

IN

C.M.P (MD) Nos.7611, 7612
and 7613 of 2018
in

S.A(MD)No.877 of 2007

Date :23/02/2023

RK/BUC/SAR-2 (28/02/2023) 3P/3C