



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

Tuesday, the Thirty First day of January Two Thousand and Twenty
Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.SOUNTHAR

C.M.P (MD) Nos.7608, 7609 and 7610 of 2018
in
S.A (MD) No.858 of 2007

AZARIAH ROSS (DIED)

...1st APPELLANT

G.K.STALIN,

... PETITIONER/2nd APPELLANT

Vs

1 HENRY ALSON

2 T.M.T.JULIET,
REP.BY HER POWER HOLD 1ST
RESPONDENT

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

4 DEVARAJAN

5 EUGIN

6 SAM JACOB

7 T.R.PAPPA,

8 G.STEPHEN

9 SABRIDHAS,

10 ROSE MARY,

11 THE COMMISSIONER,
THE NAGERCOIL MUNICIPALITY,
NAGERCOIL VILLAGE, AGASTEESWARAM TALUK,
KANYAKUMARI DISTRICT

...RESPONDENTS/RESPONDENTS



13 C.ARUL RETHINA SEELI

14 S.WISE CESTER,

15 S.SELVIN JEBAROLD

... RESPONDENTS 13 - 15

/ PROPOSED APPELLANTS 3 -5

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 478 days in seeking to set aside the abatement caused by the death of Azariah Ross, the 1st Appellant in the above Second Appeal.

Prayer in CMP(MD). 7609/ 2018 :

To set aside the abatement caused by the death of Azariah Ross, the 1st Appellant in the above Second Appeal.

Prayer in CMP(MD). 7610/ 2018 :

To bring the respondents 13-15 herein on record who are the Legal Representatives of Deceased Azariah Ross, the 1st Appellant in the above Second Appeal.

Prayer in SA(MD)No. 858 OF 2007

To prefer this memorandum of grounds of Second Appeal against the judgment and decree dated 29.08.2006 made in A.S.No. 177 of 2003 on the file of the District Judge, Kanniyakumari at Nagercoil confirming the Judgment and Decree dated 10.01.2003 made in O.S.No 67 of 1992 on the file of the Court of the 1st Additional Subordinate Judge, Nagercoil.

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

When the matter was taken up for hearing on 27.01.2023, there was no representation for the petitioner. In order to give an opportunity to the petitioner, the matter was directed to be posted today i.e. 31.01.2023 under the caption 'for dismissal'. Even today there is no representation for the petitioner. Hence, these Civil Miscellaneous Petitions are dismissed 'for default'.

sd/-

31/01/2023

/ TRUE COPY /

/02/2023

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



S.A(ML



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TO

1 THE DISTRICT JUDGE,
KANNIYAKUMARI AT NAGERCOIL.

2 THE I ADDITIONAL SUBORDINATE JUDGE, NAGERCOIL.

COPY TO

THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRUAI.

ORDER

IN

C.M.P (MD) Nos.7608, 7609 and
7610 of 2018

in

S.A (MD) No.858 of 2007

Date :31/01/2023

PKP/SSS/SAR-3/09.02.2023/3P/4C