



SA(MD)No.166 of 2008

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

Tuesday, the Twelfth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice R. KALAIMATHI

CMP(MD) Nos.12406 to 12408 of 2023

in

SA(MD)No.166 of 2008

SUGADEVAN CHETTIAR (DIED)

... DECEASED SOLE APPELLANT
in ALL THE PETITIONS

1 DHANALAKSHMI,

2 PANDI

3 SELVAPANDI

... PETITIONERS/PROPOSED APPELLANTS 2 TO 4/
LRs OF THE SOLE APPELLANT
in ALL THE PETITIONS

Vs

1 RENGARAJAN

2 KANAGARAJ

3 ADIRAM THEVAR (DIED)

... DECEASED 3rd RESPONDENT
in ALL THE PETITIONS

4 SANGAIYA NAICKER

... RESPONDENTS 1,2 & 4/
RESPONDENTS 1,2 & 4
in ALL THE PETITIONS



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5 MANJAMMAL

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6 ALAGARSAMY

7 BALAMURUGAN

8 UMA DEVI

... RESPONDENTS 5 TO 8/

PROPOSED RESPONDENTS 5 TO 8/
LRs OF THE 3rd RESPONDENT
in ALL THE PETITIONS

(4th RESPONDENT REMAIN EX-PARTE in THE LOWER
COURT, GIVEN UP MEMO FILED ON 20.02.2023)

Civil Miscellaneous 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 3695 days in filing the petition for set aside the abatement caused due to the death of the 3rd respondent in the above Second Appeal (MD) No.166/2008.

Prayer in CMP(MD). 12407/ 2023 :

To set aside the abatement caused due to the death of the 3rd respondent in the above Second Appeal (MD)No.166/2008 so far as the 3rd respondent is concerned.

Prayer in CMP(MD). 12408/ 2023 :

To bring on record the respondents 5 to 8 as legal representatives of the deceased Adiram Thevar the 3rd respondent and rank them as respondents 5 to 8 in the above Second Appeal (MD)No.166/2008.

PRAYER in SA(MD)No.166 of 2008:

To call for the records relating to the Judgment and decree in O.S.No.44/2000 on the file of District Munsif Court, Aruppukottai dated 16.11.2005 as confirmed by the judgment and decree in A.S.No.31/2006 on the file of Sub Court, Aruppukottai dated 03.01.2007 and set aside the same.



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COMMON ORDER : These Civil Miscellaneous petitions coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.G.MARIMUTHU, Advocate on behalf of the 2nd Respondent in all the petitions and of none appeared either in person or through by an advocate on behalf of the petitioner in all the petitions, the Court made the following order:-

As there was no representation for the petitioners on earlier occasion, the matter is posted under the caption 'for dismissal' today.

2. Today also, there is no representation for the petitioners. Hence, the petitions stand dismissed for non-prosecution.

sd/-
12/12/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI
TO

- 1 THE DISTRICT MUNSIF, ARUPPUKOTTAI.
- 2 THE SUBORDINATE JUDGE, ARUPPUKOTTAI.

ORDER
IN
CMP(MD) Nos.12406 to 12408 of 2023
in
SA(MD)No.166 of 2008
Date :12/12/2023

SS/VR/SAR- /28/12/2023/3P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023