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04

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

Tuesday, the Eleventh day of July Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

WEB COPY

CMP(MD) Nos.4875 to 4877 of 2017

IN

SA No.1481 of 2004

NAGALINGA THEVAR(DIED ON 25.01.2015)

1.M. SAMPATH,

2 M. SAKTHIVEL

...PETITIONERS/APPELLANTS

3 B. TAMILARASI

4 N. MUTHUSAMY

5 B. INDIRA GANTHI

6 G. BALAMANI

7 G. SAKUNTHALA

8 M. SUMATHI

... PETITIONERS/PROPOSED APPELLANTS

Vs

1 SHANMUGAM

2 GUNASEKARAN

3 THIYAGARAJAN

...RESPONDENTS/RESPONDENTS

BOOMI(DIED ON 29.07.2006),

MUNIYAMMAL(DIED ON 30.03.2004).

4 RADHIKA

5 NAGAJOTHI

... RESPONDENTS/PROPOSED RESPONDENTS

Prayer in CMP(MD). 4875/ 2017 :

To condone the delay of 4628 days in filing the petition to set aside the abatement of the appeal caused due to the death of the 5th Respondent.

Prayer in CMP(MD). 4876/ 2017 :

To set aside the abatement of the appeal caused due to the death of the 5th Respondent.

<https://www.judh.org.in/>



Prayer in CMP(MD). 4877/ 2017 :

To bring on record the petitioners 4 & 5 herein as legal representatives of the deceased the 5th Respondent and implead them as Respondents 4 & 5 in S.A.No.1481 of 2004.

PRAYER IN SA(MD)No. 1481 of 2004:

Pleased to set aside the judgment and decree dated 10.01.2004 in A.S.No. 74/2003 on the file of Principal District Judge, Ramanathapuram reversing the Judgment and decree dated 20.10.2003 in O.S.No. 23/95 on the file of the District Munsif cum Judicial Magistrate, Ramanathapuram and decree the suit O.S.No.23/95 as prayed for.

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.C. MAHADEVAN, Advocate for the petitioner, the court made the following order:-

The order of this Court dated 20.06.2023, has not been complied with. Hence, the petition to condone the delay is dismissed for non-compliance. Consequently, the connected C.M.P. (MD).Nos.4876 and 4877 of 2017 are also dismissed.

sd/-

11/07/2023

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/07/2023

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

AKV

TO

1 THE PRINCIPAL DISTRICT JUDGE, RAMANATHAPURAM.

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, RAMANATHAPURAM.

COPY TO

THE SECTION OFFICER

JUDICIAL SECTION

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CMP(MD) Nos.4875 to 4877 of 2017

IN

SA No.1481 of 2004

Date :11/07/2023

PKP/MMS/SAR- /14.07.2023/ **2P/4C**