



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

Friday, the Twenty Third day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.11704 of 2022
in
SA(MD) No.161 of 2010

MUTHAIAH (DIED)

... RESPONDENT NO.1

- 1 M.GANAYIA
- 2 M.RAJMANIKKAM
- 3 M.THANGARAJ
- 4 M.ESTHAR RANI
- 5 M.JEYAMANI

MARIYAAL (DIED)
BAKKIYAM (DIED)
SAMUVEL (DIED)

- 6 VANAJA
- 7 SANTHI
- 8 MUTHUSELVAM

BALRAJ (DIED)

- 9 MANICKAM
- 10 VIJAYARANI
- 11 SALAMON
- 12 SANTHI
- 13 GANAMMAL

... PETITIONERS/PROPOSED
RESPONDENTS 2 TO 14

Vs

BHARATHAN @ BHARATHARAMAN (DIED)

- 1 RAMAYI
- 2 GANESAN
- 3 LAKSHMI
- 4 SARASU
- 5 KANTHAN
- 6 MUTHUKUMAR
- 7 MANI

... RESPONDENTS/APPELLANTS 1 TO 7



Petition filed praying that in the circumstances stated in and in the affidavit filed therewith the High Court may be pleased to bring on record the petitioners 1 to 13 herein as legal representatives of the deceased 1st Respondent and rank them as Respondent 2 to 14 in S.A.(MD).No.161 of 2010.

PRAYER IN SA(MD).161/2010 :

To allow this Appeal by setting aside the Judgment and Decree passed by Sub-Judge, Ramanathapuram in A.S.No.6/2008 dated 14.11.2009 in so far as granting of Decree passed by the District Munsif Court, Ramanathapuram passed in O.S.No.266/1998 dated 31.07.2007.

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.K.MAHENDRAN, Advocate for the petitioner, the court made the following order:-

This petition has been filed to bring on record the petitioners 1 to 13 herein as legal representatives of the deceased first respondent in the second appeal.

2. This petition has been filed without filing the condone delay petition and to set aside the abatement, therefore, when the matter came up for hearing on 19.12.2022 the learned counsel appearing for the appellant wants two weeks time to file the petition to set aside the abatement and condone delay petitions. But, till date the appellant has not filed any petition to condone the delay and to set aside the abatement. Hence, without filing the condone delay petition and to set aside the abatement, this petition to bring on record the legal representatives is not maintainable. Therefore, this petition is dismissed.

sd/-

23/06/2023

/ TRUE COPY /

/07/2023

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

am

TO

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

ORDER IN
CMP(MD) No.11704 of 2022
in
SA(MD) No.161 of 2010
Date :23/06/2023