



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) Nos.1938,1940 & 1942 of 2023
in
SA(MD)No. 520 of 2008

1 L.FRANCIS XAVIER (DIED) ...SOLE APPELLANT
2 JEMMA XAVIER
3 JONE ALIN
4 JEBBY ADLIN ... PETITIONERS 2 to 4/ PROPOSED APPELLANTS 2 to 4
/ LRs OF THE SOLE APPELLANT

Vs

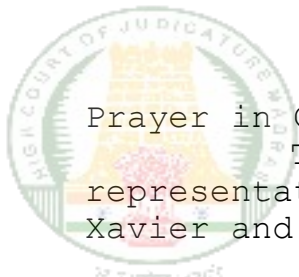
1 A.IRUDAYARAJ,
2 CHARLESS
3 BERKMANS
4 JOSEPH
5 EMILE
6 CELIN
7 NIRMALA ... RESPONDENTS/RESPONDENTS

Prayer in CMP(MD). 1938/ 2023 :

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 1281 days in filing the petition to set aside the abatement caused on the death of deceased sole appellant namely Dr.L.Francis Xavier in S.A.(MD).No.520 of 2008 .

Prayer in CMP(MD). 1940/ 2023 :

To set aside the abatement caused on the death of deceased sole appellant namely Dr.L.Francis Xavier in S.A.(MD).No.520 of 2008



Prayer in CMP(MD). 1942/ 2023 :

To bring the petitioners 2 to 4 on record as legal representatives of the deceased sole appellant namely Dr.L.Francis Xavier and rank us as appellants 2 to 4 in S.A.(MD).No.520 of 2008.

PRAYER IN SA(MD)No. 520 OF 2008:

Pleased to allow the appeal reversing the decree and judgment dated 24.04.2007 in A.S.No. 228/2001 on the file of the learned District Judge, Tiruchirappalli which set aside the decree and judgment dated 06.07.2001 by the learned Principal District Munsif, Tiruchirappalli in O.S.No. 544/1997.

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

The matter is already over between the parties even during the life time of the parties. Therefore, this petition is dismissed as not pressed.

sd/-

23/06/2023

/ TRUE COPY /

/07/2023

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

MBI
TO

- 1 THE DISTRICT JUDGE
TIRUCHIRAPPALLI.
- 2 THE PRINCIPAL DISTRICT MUNSIF,
TIRUCHIRAPPALLI.

ORDER
IN
CMP (MD) Nos.1938,1940 & 1942 of 2023
in
SA(MD)No. 520 of 2008
Date :23/06/2023

PKP/VS/SAR- /04.07.2023/ **2P/3C**

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