



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

Tuesday, the Twentieth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

C.M.P.No.11805 of 2003
in
S.A.No.989 of 2001

1 N.JAGANATHAN
2 RAMASAMY RAJA

... PETITIONERS/APELLANTS

Vs

S.SUNDARAMBAL (DIED)
REP BY LRS

1 N.VENKATRAMAN

... RESPONDENTS 1 & 2

2 N.JAGANATHAN
3 KRISHNAMOORTHY
4 ALAMELU
5 GANDHIMATHI
6 SIDHESWARAN
7 BABY
8 GAYATHRI

... LRS OF DECEASED SOLE
RESPONDENTS 2 TO 8/PROPOSED RESPONDENTS 3 TO 9

PRAYER IN CMP.NO.11805/2003 :

To bring on record respondents 2 to 8 herein as the LRs of the deceased 1st respondent in the appeal and record them as respondents 3 to 9 in the SA No.989/2001 pending on the file of this Honble Court.

PRAYER IN SA.NO.989/2001 :

To prefer this Memorandum of Grounds of Second Appeal against the Judgment and Decree daed 30.04.2001 and made in A.S.No.218/1998 on the file of Additional District Court (Chief Judicial Magistrate), Sivagangai, reversing the judgment and decree dated 26.06.1998 and made in O.S.No.110 of 1997 on the file of Subordinate Judge, Sivagangai.

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.T.R.JEYAPALAM, Advocate for the appellants and of MR.M.P.SENTHIL, Advocate on behalf of the respondents Nos.2 & 6, the court made the following order:-



This petition is filed to bring on record R2 to R8 as representatives of the deceased R1 in the appeal.

2. Notice sent to R4 returned with an endorsement 'deceased'. So far steps have not been taken. This petition is pending from the year 2003 onwards for want of service and for taking steps. Already this petition was dismissed as against R7 and R8 on 05.04.2011. From then, steps have not been taken for the deceased R4. Therefore, the petition is dismissed as abated as against R4. This petition now survives as against R2, R3, R5 and R6 alone.

3. R2 and R6 have entered appearance through counsel. R3 and R5 were served with notice and their names are printed in the cause list. They have neither filed any counter nor raised any objection.

4. Since the relationship of the parties is not disputed, this petition is allowed in respect of R2, R3, R5 and R6 alone.

5. The petitioner is directed to file the amended copy of the Memorandum of grounds of appeal on or before 14.07.2023.

6. List on 17.07.2023.

sd/-

20/06/2023

/ TRUE COPY /

/06/2023

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

mbi

TO

1 THE ADDITIONAL DISTRICT JUDGE (CHIEF JUDICIAL MAGISTRATE),
SIVAGANGAI.

2 THE SUBORDINATE JUDGE, SIVAGANGAI.

ORDER

IN

C.M.P.No.11805 of 2003

in

S.A.No.989 of 2001

Date :20/06/2023

RS/CG/SAR-(28.06.2023) 2P 3C