



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Nineteenth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD). Nos.7918,7924,7925 of 2023

in

SA(MD) No.680 of 2006

R. Krishnamoorthy (Died)

1. K. Dhavamani

2. K. Rajeswari

3. K. Saravanan

4. K. Shankar

5. K. Jayanthi Through Their Power Agent A. Renganathan,

S/o. Late. Ayodhirama

... Petitioner 1 to 5/

Proposed Appellant 2 to 6 in all CMPS

Vs

1 State of Tamil Nadu,

Represented by its District Collector

Madurai.

2 The Superintendent Engineer

(PWD) Special Project Circle Pollachi.

3 The Executive Engineer (PwD),

Soothuparai Reservoir, Project Division

Periyakulam.

... Respondents/ Respondents in all cmps



Prayer in CMP(MD) No.7918 of 2023 :-

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This Petition is filed under section 5 of limitation Act, of C.P.C.,to condone the delay of 2044 days in filing to set aside abatement petition in S.A.(MD). No. 680 of 2006.

Prayer in CMP(MD). 7924/ 2023 :

This petition filed under order 22 Rule 9 & section 15 of C.P.C., to order to set aside the abatement caused against appellant in S.A.(MD). No. 680 of 2006 and thus render justice.

Prayer in CMP(MD). 7925/ 2023 :

This Petition is filed under order 22 Rule 3 & section 151 of C.P.C.,to order to the petitioners 1 to 5 to be impleaded as the proposed Appellants 2 to 6 in S.A.(MD). No.680 /2006 and thus render justice.

Prayer in SA(MD) No.680 of 2006:-

This Second Appeal is filed under section 100 of C.P.C.,to set aside the Judgment and Decree of the Sub Judge, Periyakulam in OS.15/1996 dated 24.12.2003 and the Judgment and Decree of the District Judge, Madurai in AS.185/2004 dated 31.08.2005 and allow this appeal and decree the suit as prayed for with costs through out.



ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. C.Arunmozhi Rajashankar, Advocate for the Petitioner and of Mr.A.Baskaran, Addl.Government Pleader, Government Advocate for the respondents, this Court made the following order:

The conditional order, dated 05.07.2023, passed by this Court in CMP(MD) No.7918 of 2023 has been duly complied with. A memo has been filed to that effect. Since the petition in CMP(MD)No.7918 of 2023 is allowed, CMP(MD)No.7924 and 7925 of 2023 are allowed.

2.Registry is directed to carry out necessary amendment in the cause title and post the main case on 22.08.2023 for final hearing.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/08/2023

Sub Assistant Registrar(CS)

TO

1.The District Judge,
Madurai



2.The Sub Judge,
Periyakulam

3 State of Tamil Nadu,
Represented by its District Collector
Madurai.

4 The Superintendent Engineer
(PWD) Special Project Circle Pollachi.

5 The Executive Engineer (Pwd),
Soothuparai Reservoir,Project Division
Periyakulam.

6.The Special Govt. Pleader,
Madurai Bench of Madras High Court, Madurai

Copy to:

1.The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai

2.The Section Officer,V.R.Section
Madurai Bench of Madras High Court,
Madurai.

3.The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai



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ORDER DATED : 19/07/2023

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ORDER

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CMP(MD). Nos.7918,7924,7925 of 2023
in
SA(MD) No.680 of 2006
Giving direction and etc.
as stated within.

MGJ(21.08.2023) 5P 11C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17.07.2023