



CMP(MD) No.135 of 2024

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

Monday, the Twenty Third day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

C.M.P(MD)Nos.135, 138 & 139 of 2024

in

S.A(MD)No.1055 of 2006

1 M.T.K.SHANMUGANATHAN

2 M.T.K.SUBRAMANIAN

3 M.T.T.KUMARASAMY

4 M.T.T.RENGANATHAN

... PETITIONERS/ APPELLANTS

Vs

1 S.RAJAGOPAL

2 K.P.S. KARPAGAVINAYAGAM

... DECEASED RESPONDENTS

3 PADMA

4 ANITHA @ SUBBU LAKSHMI

5 R.BABU SHANKAR

... RESPONDENTS 3 TO 5

/PROPOSED RESPONDENTS 3 TO 5

(LEGAL HEIRS OF DECEASED 1ST RESPONDENT)

6 K.MAHALAKSHMI

... 6TH RESPONDENT/PROPOSED 6TH RESPONDENT

(LEGAL HEIRS OF DECEASED 2ND RESPONDENT)

Prayer in CMP(MD).135/2024 :

To condone the delay of 2798 days in filing the petition to set aside the abatement caused due to the death of the 1st Respondent in above SA(MD) No. 1055 of 2006.



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Prayer in CMP(MD). 138/ 2024 :

To set aside the abatement caused due to the death of the 1st Respondent in above SA(MD) No. 1055 of 2006.

Prayer in CMP(MD). 139/ 2024 :

To bring on record the respondent 3 to 5 herein as LRS of the deceased of the 1st Respondent and ranke them as respondents 3 to 5 in above SA(MD) No. 1055 of 2006.

Prayer in S.A(MD)No.1055 of 2006 :

To prefer this Memorandum of Grounds of Second Appeal against the Judgment and Decree of learned Principal District Judge, Tirunelveli dated 18.03.2005 in A.S.No.127/2004 confirming the Decree and Judgment passed in O.S.No.72/2000 dated 21.07.2004 on the file of the Subordinate Judge, Ambasamudram.

COMMON ORDER : These Civil Miscellaneous Petitions coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.V.R.SHANMUGANATHAN, Advocate for the petitioner and MS.V.JANAKI DEVI, Advocate on behalf of the Respondent Nos.3 & 5, the court made the following order:-

These Miscellaneous Petitions have been filed to condone the delay of 2798 days in filing the petition to set aside the abatement caused due to the death of the first respondent in the Second Appeal; to set aside the abatement caused due to the death of the first respondent in the Second Appeal and to bring on record the proposed respondents 3 to 5 as the legal representatives of the deceased first respondent.

2. The learned counsel appearing for the respondents 3 & 5 has no objection for allowing these petitions.

3. Having been satisfied with the reasons assigned in the affidavit filed in



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support of these petitions and in view of the no objection expressed by the learned counsel for the respondents 3 & 5, these Civil Miscellaneous Petitions are ordered on condition that the petitioner pays a sum of Rs.3,000/- as costs to Ms.V.Janaki Devi, learned counsel appearing for the respondents 3 and 5, within a period of one week from the date of receipt of a copy of this order, failing which, these petitions shall stand automatically dismissed, without further reference to this Court.

4.Registry is directed to carry out necessary amendments in the cause title

sd/-

23/09/2024

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/09/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE PRINCIPAL DISTRICT JUDGE,
TIRUNELVELI

2 THE SUBORDINATE JUDGE,
AMBASAMUDRAM.

COPY TO

THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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CMP(MD) No.135 of 2024

ORDER

IN

C.M.P(MD)Nos.135, 138 & 139 of 2024

in

S.A(MD)No.1055 of 2006

Date :23/09/2024

RS/JGB/SAR-(26.09.2024) 4P 4C

Madurai Bench of Madras High Court is issuing
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