



SA No.143 of 2003

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

Thursday, the Seventeenth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP(MD) Nos.3403, 3404 and 3405 of 2024
in
SA No.143 of 2003

1 MASSIYYA NAICKAR (DIED)

2.CHELLAMMAL (DIED)

3 GANESAN

4 PERUMALSAMY

5 AVUDAYAMMAL

6 SUNDARARAJAN

7 MURUGAN

8 BOMMAIYYAN

9 PARAMASIVAN

10 MALLIKA

11 KRISHNASAMY

... Petitioners / Appellants
in all petitions

Vs

1 MUTHALAKKAL

2 VELLAMMAL

3 GURUVAMMAL

4 KARUPPIAH (DIED),

5 GURUSAMY



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6 KRISHNASAMY
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... Respondents / Respondents
in all petitions

7 SARASWATHI (DIED)

8 KANNAN (DIED)

9 MUNIAMMAL
10 ANANDAN
11 MARIKANI

12 TIRUPATHI (DIED)

13 KATTU RAJA

... Respondents 7 to 13 /
Respondents 7 to 13
in all petitions

(Respondents 1 to 3, 5 & 6 set ex-parte in
Lower Court, hence need not send
notice to them

14 PETCHIAMMAL
15 MUTHURAJ
16 KANAGARAJ
17 KARTHICK

... Respondents 14 to 17 /
Proposed Respondents 14 to 17 /
LRs of the deceased 8th Respondent
in all petitions

Prayer in CMP(MD). 3403/ 2024 :

To condone the delay of 673 days in filing the petition seeking to set aside the abatement caused due to the death of the deceased 8th respondent in the above S.A.No.143 of 2003 pending on the file of this Hon`ble Court.

Prayer in CMP(MD). 3404/ 2024 :

To set aside the abatement caused due to the death of the deceased 8th respondent in the above S.A.No.143 of 2003 pending on the file of this Hon`ble Court.



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Prayer in CMP(MD). 3405/ 2024 :

To bring on record the proposed respondents 14 to 17 herein as legal heirs of the deceased 8th respondent and rank them as respondents 14 to 17 in the above S.A.No.143 of 2003 pending on the file of this Hon`ble Court.

Prayer in SANo.143 of 2003:

To set aside the judgment and decree dated 24.08.2000 made in O.S.No.140 of 1995 on the file of the Principal Sub Court, Tenkasi confirmed in Judgment and Decree dated 06.08.2002 made in A.S.No.11 of 2001 on the file of the 2nd Additional District Court, Tirunelveli and allow this second appeal.

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 M/S. S. VELLAICHAMY, Advocate for the petitioners in all petitions, the Court made the following order:-

C.M.P(MD)No.3403 of 2024 has been filed to condone the delay of 673 days in filing the petition seeking to set aside the abatement caused due to the death of the deceased eighth respondent in S.A.No.143 of 2003.

2.C.M.P(MD)No.3404 of 2024 has been filed to set aside the abatement caused due to the death of the deceased eighth respondent in S.A.No.143 of 2023.

3.C.M.P(MD)No.3405 of 2024 has been filed to bring on record the proposed petitioners 14 to 17 as legal heirs of the deceased eighth respondent and rank them as respondents 14 to 17 in S.A.No.143 of 2003.

4.Though this Court permitted the petitioners to effect paper publication on the respondents 15 and 16, they have effect paper publication to the respondents 15



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and 17. However, on perusal of the notice paper, it is seen that notice sent to the respondent No.16 has been received by his mother and though the names of the respondents 15 and 17 have been printed in the cause-list, there is no representation for the respondents 15 and 17.

5.Having been satisfied with the reasons assigned in the affidavit filed in support of these petitions, these Civil Miscellaneous Petitions are allowed on condition that the petitioner pays a sum of Rs.500/- (Rupees Five Hundred only) in the name of Women Advocates Association, Madurai Bench of Madras High Court (Account No.6477041768, IFSC Code No.IDIB00H040, Indian Bank, High Court Branch, Madurai) for the purpose of maintaining Creche located in the campus of the Madurai Bench of Madras High Court, within a period of one week from today, failing which, these petitions shall stand dismissed automatically without further reference of this Court.

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

sd/-
17/10/2024

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/10/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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To

1.The II Additional District Judge,
Tirunelveli.

2.The Principal Subordinate Judge,
Tenkasi.

Copy to:

The Officer Incharge,
Women Advocates Association,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CMP(MD) Nos.3403, 3404 and 3405 of 2024
in

SA No.143 of 2003

Date :17/10/2024

ED/ MMS /SAR- (19/10/2024) 5P / 4C

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