



D.No.47, Muniyappanur.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Thursday, the Twenty First day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE V. SIVAGNANAM

CMP(MD).Nos.15343,15346 & 15349 of 2024

in

S.A.No1613 of 2004

1. Krishnan
2. Thangavel
3. Chandran

... Petitioners/ Appellants
(in all the petitions)

Vs

- 1 Joint Family by its
Manager Pandian (Died)

- 2 Poopathi
- 3 Sundaram
- 4 Vasanthi
- 5 Rasu
- 6 Sathyanarayan
- 7 Saranya
- 8 Jamunasri

(R2,R3 & R5 are residing at

D.No.47, Muniyappanur,

Nerur Vadaku,

Manmangalam, Karur.

(R4,R6 to R8 are residing at

D.No.54, Sonampadvangal Kilaku,

Nerur Vadaku,

Manmangalam, Karur.

..Respondents 2 to 8/Proposed

Respondents 2 to 8 LR's of
deceased sole Respondent.
(in all the petitions)



D.No.47, Muniyappanur.

Prayer in CMP(MD)No.15343 of 2024:-

Civil Miscellaneous Petition filed under section 5 of Limitation Act To Condone the delay of 1161 days in filling the petition to set aside the abatement caused due to the death of the deceased sole respondent in S.A.No.1613/2004.

Prayer in CMP(MD).No.15346 of 2024:-

Civil Miscellaneous Petition filed under order 22 Rule 9(2) of C.P.C. To set aside the abatement caused due to the death of the deceased sole respondent in S.A.No.1613 of 2004.

Prayer in CMP(MD).No.15349 of 2024:-

Civil Miscellaneous Petition filed under order 22 Rule 4 of C.P.C. To bring on record the respondents 2 to 8 herein as legal representatives of the deceased sole respondent and rank them as respondents 2 to 8 in S.A.No.1613 of 2004.

Prayer in S.A No1613 of 2004:-

Appeal filed under Section 100 of Civil Procedure Code to set aside the judgment and decree dated 12.01.2004 made in A.S.No.44 of 2003 on the file the District Court, Karur, confirming the judgment and decree dated 20.04.2001 made in O.S.No.1999 of 1998 on the file of the Principal District Munsif Court, Karur.

ORDER:- These Petitions 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. Pt.S. Narendravasan, Advocate for the Petitioners in all the petitions and of Mr.P. Thiagarajan, Advocate for the respondents in all the petitions, this Court made the following order:



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"These applications in C.M.P(MD)Nos.15343, 15346 and 15349 of 2024 have been filed to condone the delay of 1161 days in filing the application to set aside the abatement caused due to the death of the sole respondent; to set aside the abatement caused due to the death of the sole respondent in the above Second Appeal and to bring on record the petitioners 2 to 8 as the legal representatives of the deceased sole respondent in the above Second Appeal and implead them as respondents 2 to 8.

2.Heard the learned counsel on either side and perused the materials available on record.

3.The learned counsel appearing for the respondents 2 to 8 would submit that he has no objection in allowing these petitions. Accordingly, these petitions are allowed.

4. The Registry is directed to record the death of the sole respondent and to bring on record, his legal representatives, the petitioners 2 to 8 and rank them as respondents 2 to 8."

Sd/-

Assistant Registrar (CS.III)

// True Copy //

/12/2024

Sub Assistant Registrar
(CS-I/II/III/IV)



D.No.47, Muniyappanur.

TO

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1. The District Judge,
Karur.
2. The Principal District Munsif,
Karur.

Copy to:

1. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai
2. The Section Officer,
VR Section,
Madurai Bench Of Madras High Court,
Madurai.

ORDER DATED : 21/11/2024

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ORDER
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CMP(MD).Nos.15343,15346 & 15349 of 2024
in
S.A.No1613 of 2004

Giving direction and etc.
as stated within.

SL(05.12.2024)/ 4P/ 6C

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