



CMP(MD) No.5270 of 2024

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

Thursday, the Sixth day of June Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice S.SOUNTHAR

**C.M.P(MD)Nos.5270,5272 and 5273 of 2024
and**

**C.M.P(MD)Nos.5277, 5279 and 5280 of 2024
in
SA(MD)NO.511 of 2008**

1 CHELLAMMAL

2 KARUPPANAN (DIED)

3 MUTHALAGI AMMAL ...PETITIONERS/ APPELLANTS

4 RAMUTHAI

5 MUTHU

6 BOOMINATHAN

**7 SELVAM ... PETITIONERS 4 TO 7/ PROPOSED APPELLANTS 4 TO 7
/ LR'S OF THE DECEASED 2nd APPELLANT
Vs**

1 MARI

2 SELVARAJ (DIED)

3 RAJENDRAN (DIED)



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4 ERAKMMAL (DIED)

...RESPONDENTS/RESPONDENTS

5 VIJAYALAKSHMI

6 SATHYAPRIYA

7 TAMILARASI ...RESPONDENTS 5 TO 7/ PROPOSED RESPONDENTS 5 TO 7
/ L.R'S OF THE DECEASED 2nd RESPONDENT

8 SELVI

9 SEETHALAKSHMI

10 PAPPAMMAL

... RESPONDENTS 8 TO 10
/ PROPOSED RESPONDENTS 8 TO 10
/ LR'S OF THE DECEASED 4th RESPONDENT

Prayer in CMP(MD). 5270/ 2024 :

To condone the delay of 4835 days in filing the petition to set aside the abatement caused due to the death of the 2nd respondent in the above Second Appeal and thus render justice.

Prayer in CMP(MD). 5272/ 2024 :

To set aside the abatement caused due to the death of the 2nd respondent in the above Second Appeal is concerned and pass such other or further orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case and thus render justice

Prayer in CMP(MD). 5273/ 2024 :

To bring on record the Respondent Nos.5 to 7 as legal representatives of the deceased 2nd respondent and rank them as Respondents Nos.5 to 7 in the above



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Second Appeal and thus render justice.

Prayer in CMP(MD). 5277/ 2024 :

To condone the delay of 4481 days in filing the petition to set aside the abatement caused due to the death of the 4th respondent in the above Second Appeal and thus render justice.

Prayer in CMP(MD). 5279/ 2024 :

To set aside the abatement caused due to the death of the 4th respondent in the above Second Appeal is concerned and pass such other or further orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case and thus render justice

Prayer in CMP(MD). 5280/ 2024 :

To bring on record the Respondent Nos.8 to 10 as legal representatives of the deceased 4th respondent and rank them as Respondents Nos.8 to 10 in the above Second Appeal and thus render justice.

Prayer in SA(MD)No. 511 of 2008:

To set aside the judgment and decree dated 04.06.2007 made in A.S.No. 54 of 2006 passed by the learned Subordinate Judge, Aruppukottai confirming the judgment and Decree dated 21.06.2006 made in O.S.No. 250 of 2001 passed by the learned District Munsif Court, Aruppukottai.



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ORDER : These Civil Miscellaneous Petitions petition coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of MR.N.SHANMUGA SELVAM, Advocate for the petitioners in all petitions, the court made the following order:-

C.M.P(MD)Nos.5270, 5272 and 5273 of 2024 are filed to condone the delay of 4835 days in filing the Petition to set aside the abatement caused due to the death of the second respondent, to set aside the abatement caused due to the death of the second respondent and to bring on record the respondents 5 to 7 as legal representatives of the deceased second respondent and rank them as respondents 5 to 7 in the above Second Appeal.

2.C.M.P(MD)Nos.5277, 5279 and 5280 of 2024 are filed to condone the delay of 4481 days in filing the Petition to set aside the abatement caused due to the death of the fourth respondent, to set aside the abatement caused due to the death of the fourth respondent and to bring on record the respondents 8 to 10 as legal representatives of the deceased fourth respondent and rank them as respondents 8 to 10 in the above Second Appeal.

3.Heard the learned counsel for the Petitioners and perused the materials



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placed before this Court.

4.Having satisfied with the reasons assigned in the affidavits filed in support of these Petitions, these Petitions are allowed on condition that the Petitioners shall make payment of Rs.1000/- (Rupees one thousand only) to the credit of Chief Justice Relief Fund of this Court within a period of one week from today, failing which, these Petitions shall stand automatically dismissed without further reference to this Court.

5.On payment of the above said amount within the time stipulated by this Court, these Petitions shall stand allowed and the Registry is directed to carry out necessary amendment in the cause title.

sd/-
06/06/2024

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/06/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSN



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TO
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1 THE SUBORDINATE JUDGE,
ARUPPUKOTTAI.

2 THE DISTRICT MUNSIF
ARUPPUKOTTAI.

COPY TO

THE SECTION OFFICER,
ACCOUNT SECTION (CHIEF JUSTICE RELIEF FUND)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

C.M.P(MD)Nos.5270,5272 and 5273 of 2024
and

C.M.P(MD)Nos.5277, 5279 and 5280 of 2024
in

SA(MD)NO.511 of 2008

Date :06/06/2024

PKP/GS/SAR /14.06.2024/ 6P/ 4C

Madurai Bench of Madras High Court is issuing certified
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