



CMP(MD) No.6494 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 G.ILANGO VAN

C.M.P.(MD).Nos.6494, 6497 & 6498 of 2024

in

C.M.P.(MD).No.11168 of 2022

in

S.A.(MD).No.SR71398 of 2022

NALLATHAMBI,

... PETITIONER/ APPELLANT

Vs

1 VEERAPPAN

2 THANGARAJ

3 SANTHANAM

4 MURUGAN

(*)5 PERIYASAMY (DIED)

6 MAYILSAMY

7 RAMASAMY

8 PERIYASAMY



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9 CHANDRASEKAR

... RESPONDENTS/RESPONDENTS

10 P.MANIVEL

11 P.ELANGO VAN

12 P.DIRAVIDAMANI

...10 TO 12 RESPONDENTS

(*) RESPONDENTS 10 TO 12 ARE BROUGHT ON RECORD AS LR'S OF THE DECEASED 5th RESPONDENT VIDE COURT ORDER DATED 06.06.2024 MADE IN CMP(MD)No. 6494, 6497 and 6498 of 2024 in SA(MD)SR.No. 71398 of 2022 by GIJ

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Condone the Delay of 368 days of filling the petition to set aside the abatement cause due to the death of the 5th respondent in the C.M.P(MD).11168 of 2022 in SA.SR(MD) No.71398 of 2022.

Prayer in CMP(MD). 6497/ 2024 :

To set aside the abatement cause due to the death of the 5th respondent in the C.M.P(MD).11168 of 2022 in SA.SR(MD) No.71398 of 2022.

Prayer in CMP(MD). 6498/ 2024 :

To Bring on Record of the proposed Respondents 10th to 12th as Legal Heir of the deceased 5th Respondent in the C.M.P.(MD) 11168 of 2022 in S.A SR(MD) No.71398 of 2022 and rank them as respondents 10th to 12th respondent.



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Prayer in CMP(MD)No. 11168 of 2022:

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 343 days in filing the above second appeal as against the judgment and decree dated 23-09-2019 passed in A.S.No.4 of 2017 on the file of the learned Sub Court, Vendasandur, Dindigul District, Reversing the judgment and decree dated 31-07-2017 passed in O.S.No.53 of 2016 on the file of the learned District Munsif Court, Vendasandhur, Dindigul District and thus render justice.

Prayer IN SA(MD)SR.No.71398 of 2022:

Pleased to set aside the Judgment and Decree dated 23.09.2019 passed in A.S.No. 4 of 2017 on the file of the Learned Sub Court, Vendasandhur, Dindigul District reversing the Judgment and Decree dated 31.07.2017 passed in O.S.No. 53 of 2016 on the file of the Learned District Munsif Court, Vendasandhur, Dindigul District by allowing this Second Appeal.

ORDER : These Civil Miscellaneous Petition 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.KARTHIK, Advocate for the petitioner and of MR.N.TAMIL MANI, Advocate for the Respondents 1 to 4, the court made the following order:-

By mistake on 30.04.2024, an order has been passed by directing the Registry to number the main second appeal, if it is otherwise in order. So that portion of the

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above said order is recalled.

2.Further it is also found that three petitions in C.M.P.(MD).Nos.6494, 6497 & 6498 of 2024 have been filed to condone the delay caused in filing the petition to set aside the abatement caused due to the death of 5th respondent, to set aside the abatement and to bring on the legal heirs of the 5th respondent. The three petitions have to be allowed simultaneously. But, on that date C.M.P.(MD).No.6494 of 2024 along was allowed. In view of the above, now C.M.P.(MD).Nos.6497 & 6498 of 2024 are also stands allowed. Registry is directed to carry out necessary amendments in this regard.

sd/-
06/06/2024

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/07/2024
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 SUBORDINATE JUDGE
VEDASANDHUR,
DINDIGUL DISTRICT.



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2THE DISTRICT MUNSIF,
VEDASANDHUR,
DINDIGUL DISTRICT.

ORDER
IN
C.M.P.(MD).Nos.6494, 6497 & 6498 of 2024
in
C.M.P.(MD).No.11168 of 2022
in
S.A.(MD).No.SR71398 of 2022
Date :06/06/2024

PKP/GS/SAR /02.07.2024/ 5P/ 3C

Madurai Bench of Madras High Court is issuing certified
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