



CMP(MD). No.17442 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Tuesday, the Twenty Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice MUMMINENI SUDHEER KUMAR

CMP(MD). No.17442 of 2023
in
SA.No.1510 of 1998

1. Vaithiammal
2. SP.Rengammal (Died)
3. R.Ganesan (Died)
4. RM.Shanmugam
5. Muthathal

... Petitioners 1, 4 & 5/
Appellants 1 to 5

6. Velayutham
7. Banumathi
8. S.Vallimayil
9. Kaliasammal
10. Muruganantham
11. Karpagam

... Petitioner 6 to 11/
Proposed Appellants 6 to 11

Vs

- 1 Kamalambal Achi (Died),
- 2 AL.VR.AL.Subramanian Chettiar
- 3 Kailasa Thevar(Died)



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4 Rukmani

5 Muthuraman

6 Shanmugam Asari

7 Sathyeya Ammal

8 SP.Ramiah,(Died)

9 Venkatachalam Pillai

10 Chellaiah

11 Kalyaniammal

12 Perumal Naidu

13 SP.Periasami

14 Karuppiah

15 AL.VR.Ramanathan Chettiar

16 AL.VR.AL.Veerappan Chettiar

17 M.Ramanathan

18 M.Subramanian

19 S.V.Krishnan

20 Panchavarnam

21 G.Alagammal

22 G.Muthukumar

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23 Srikumar

24 G.Vasanth

25 Kayambu

26 Rajeswari

27 Lalitha .. Respondents No.1,2,4 to 7,9 to 27/
Respondents No.1 to 27

28 P.Valliappan

29 P.Kamala

30 Kayalvizhi

31 Nepolian

32 Vasanthi

33 Muthulakshmi

34 M.Ponnathal

... Respondents No.28 to 34/Proposed
Respondents No.28 to 34

Prayer :-

Civil Miscellaneous petition filed under Order 41 Rule 19 of CPC 1908 filed to set aside the order of dismissal dated 07.12.2017 in respect of Respondents 1,14,21 to 27 made in SA.1510 of 1998 on the file of this Court.



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Prayer in SA No.1510 of 1998:

Second Appeal filed under Section 100 of Civil Procedure Code against the judgment and decree of the Learned District Judge, Sivagangai, dated 24.12.1996 in A.S.No.15 of 1996 confirming the judgment and decree of the Learned Subordinate Judge, Sivagangai in I.A.No.256 of 1990 in O.S.No.31 of 1976 dated 07.10.1994.

ORDER:- This Civil Miscellaneous petition 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. V.George Raja, Advocate for the Petitioner and of Mr.N.Tamilmani, Advocate for the Respondents No. 26 and 27, Mr.G.Prabhu Rajadurai Advocate for the Respondents No.28 and 29, this Court made the following order:

“In view of the order passed by this Court, dated 29.09.2023 in CMP (MD).No.10486 of 2022, this petition is ordered and the order of dismissal, dated 07.12.2017 made in SA(MD).No.1510 of 1998 is set aside only in respect of the



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respondent No.1 as the legal heirs of the deceased first respondent were already brought on record as the respondent Nos. 28 and 29 and they are represented by the counsel before this Court."

Sd/-

Assistant Registrar(C.O)

// True Copy //

/02/2024

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

TO

1. The District Judge,
Sivagangai.
2. The Subordinate Judge,
Sivagangai.

ORDER DATED : 23/01/2024

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ORDER

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in
SA.No.1510 of 1998

SI-(02.02.2024) 5P/ 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.