



C.M.P.(MD).Nos.2443 to 2445 and 2446 to 2448 of 2016 in S.A.(MD).No.SR35373 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.M.P.(MD).Nos.2443 to 2445 and 2446 to 2448 of 2016 in
M.P.(MD).No.1 of 2011 in
S.A.(MD).No.SR35373 of 2011
and S.A.(MD).No.SR35373 of 2011

Cause Title made in C.M.P.(MD).No.2443 of 2016

Essakki Konar ... Petitioner/Appellant

Vs.

Seeni Konar (Died) ... Respondent No.1

1.Renga Konar ... Respondent No.2

Esakki Konar (Died) ... Respondent No.3

2.Esakkiammal

3.Esakki @ Mani

4.Esakki

5.Esakki @ Kannan

6.Piramu @ Prema

7.Mani

8.Rengan

9.Lakshmi

... Respondents 2 to 9/

Proposed Respondents 2 to 9

PRAYER in C.M.P.(MD).Nos.2443 to 2445 of 2016: Civil

Miscellaneous Petition are filed under Section 5 of the Limitation Act,



C.M.P.(MD).Nos.2443 to 2445 and 2446 to 2448 of 2016 in S.A.(MD).No.SR35373 of 2011

under Order 22 Rule 4 and 9 of CPC, to condone the delay of 1099 days in filing the application to bring on record the legal heirs of the deceased respondent namely Seenikonar, to set aside the abatement caused due to the death of the respondent namely Seenikonar and to bring on his legal heirs.

PRAYER in C.M.P.(MD).Nos.2446 to 2448 of 2016: Civil Miscellaneous Petition are filed under Section 5 of the Limitation Act, under Order 22 Rule 4 and 9 of CPC, to condone the delay of 2034 days in filing the application to bring on record the legal heirs of the deceased respondent namely Esakki konar, to set aside the abatement caused due to the death of the respondent namely Esakki konar and to bring on his legal heirs.

PRAYER in M.P.(MD).No.1 of 2011: Civil Miscellaneous petition is filed under Section 5 of the Limitation Act to condone the delay of 6 days caused in filing the second appeal.

PRAYER in S.A.(MD).No.SR35373 of 2011: Second Appeal is filed under Section 100 of the C.P.C. to call for the records and set aside the Judgment and Decree passed by the Subordinate Judge, Valliyoor, dated 28.01.2011 made in A.S.No.203 of 2007, reversing the Judgment and



C.M.P.(MD).Nos.2443 to 2445 and 2446 to 2448 of 2016 in S.A.(MD).No.SR35373 of 2011

Decree passed by the Additional District Munsif, Nanguneri, in O.S.No. 24 of 2001, dated 05.10.2007.

For Petitioner/Appellant : No Appearance

For Respondents/Respondents: Mr.H.Arumugam for R2 to R6

ORDER

Notice was ordered to the first respondent by the order dated 10.06.2024. Thereafter it was listed on 09.07.2024. On that day for verification of records, it was adjourned to 12.07.2024. On 12.07.2024, inspite of passed over, batta was not paid for the first respondent. Therefore the petitions are dismissed as against the first respondent. Since there was no representation on that day, the matter was ordered to be posted today under the caption for dismissal. Even today, there is no representation for the petitioner. Therefore, all the civil miscellaneous petitions are dismissed for default. Consequently, Second Appeal is also rejected at the SR stage itself. No costs.

15.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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C.M.P.(MD).Nos.2443 to 2445 and 2446 to 2448 of 2016 in S.A.(MD).No.SR35373 of 2011

To

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- 1.The Subordinate Judge, Valliyoor.
- 2.The Additional District Munsif, Nanguneri.
- 3.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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C.M.P.(MD).Nos.2443 to 2445 and 2446 to 2448 of 2016 in S.A.(MD).No.SR35373 of 2011

G.ILANGO VAN,J.

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M.P.(MD).No.1 of 2011 in
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15.07.2024