



SA(MD) No.520 of 2012

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

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

PRESENT

The Hon`ble Mr.Justice MUMMINENI SUDHEER KUMAR

CMP(MD) Nos.3189 to 3191 of 2016

IN

SA(MD) No.520 of 2012

ALAGUPILLAI

... PETITIONER/ APPELLANT
in ALL THE PETITIONS

Vs

1 PEOPLE OF JEYAMANGALAM VILLAGE PANCHAYAT,
REPRESENTED THROUGH LATE.SELVAM,
S/O. CHAPPANI PILLAI,
233, V.O.C.STREET,
JEYAMANGALAM, PERIYAKULAM TALUK,
THENI DISTRICT.

2 JEYAMANGALAM VILLAGE PANCHAYAT,
REPRESENTED THROUGH ITS PRESIDENT R.N.RAMASAMY,
JEYAMANGALAM, PERIYAKULAM TALUK,
THENI DISTRICT.

... RESPONDENTS/RESPONDENTS
in ALL THE PETITIONS

3 PEOPLE OF JEYAMANGALAM VILLAGE PANCHAYAT,
REPRESENTED THROUGH CHITHRA,
W/O. LATE SELVAM, 233, V.O.C.STREET,
JEYAMANGALAM, PERIYAKULAM TALUK,
THENI DISTRICT.

... RESPONDENT/PROPOSED RESPONDENTS No.3
in ALL THE PETITIONS



SA(MD) No.520 of 2012

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 2064 days in filing the petition to set aside the abatement caused due to the death of the 1st respondent in SA.(MD).No.520/2012.

Prayer in CMP(MD). 3190/ 2016 :

To set aside the abatement caused due to the death of the deceased / 1st respondent in SA.(MD).No.520/2012.

Prayer in CMP(MD). 3191/ 2016 :

To bring the proposed respondent No.3 on record as legal heirs of the deceased Selvam / 1st respondent and rank them as respondent No.3 in the above SA.(MD). No.520/2012.

PRAYER in SA(MD)No.520 of 2012:

To allow the Second Appeal against judgment and decree passed by the Learned Subordinate Judge, Periyakulam in A.S.No.71 of 2007 dated 31.07.2009 reversing the judgment and decree of the Learned District Munsif, Periyakulam in O.S.No.310 of 2010 dated 28.03.2007 and set aside the same and consequently dismiss the suit.

COMMON ORDER : These Civil Miscellaneous petitions coming up for orders on this day, upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of M/S.N.DILIP KUMAR, Advocate for the petitioner in all the petitions, the Court made the following order:-

These applications have been filed seeking to condone the delay of 2064 days in filing an application to set aside the abatement caused due to the death of the 1st respondent, to set aside the abatement and to bring on record the proposed respondent No.3 herein as LR of the deceased first respondent in the main Second Appeal.



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2. From the perusal of the records especially the docket endorsement, dated 28.08.2012 it is noticed that the publication was effected in respect of the first respondent / plaintiff. However, nobody has come forward to contest the appeal. Hence, the service of notice on the first respondent is treated as complete. However, it is brought to the notice of this Court that the first respondent herein filed a suit in a representative capacity represented by one Selvam and he is no more. As the service of the first respondent treated as complete, consequent upon the publication of the same in the newspaper nobody has come forward to contest the appeal, these applications filed by the appellant to bring on record the 3rd respondent as LR of the deceased Selvam are not necessary as the very suit itself was filed in the representative capacity and in the name of the people of Jayamangalam Village Panchayat. Hence, these applications are closed.

sd/-

30/01/2024

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/02/2024

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

TRP



SA(MD) No.520 of 2012

TO
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- 1 THE SUBORDINATE JUDGE,
PERIYAKULAM
- 2 THE DISTRICT MUNSIF
PERIYAKULAM.

ORDER
IN
CMP(MD) Nos.3189 to 3191 of 2016
IN
SA(MD) No.520 of 2012
Date :30/01/2024

SS/JGB/SAR- /06/02/2024/4P/3C

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