



S.A(MD)No.317 of 2006

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
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Tuesday, the Third day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

C.M.P(MD)Nos.12037, 12038 and 12039 of 2024

in

S.A(MD)No.317 of 2006

1 VILLAN (DIED)

... SOLE APPELLANT

in ALL THE PETITIONS

2 KANNIAMMAL,

3 JAYALAKSHMI

4 DHANASEKARAN

... PROPOSED PETITIONERS 2 TO 4/

LEGAL HEIRS OF DECEASED SOLE APPELLANT

in ALL THE PETITIONS

Vs

1 THYAGARAJAN

2 KARUNAKARAN

3 BALAKRISHNAMURTHY,

... RESPONDENTS/RESPONDENTS

in ALL THE PETITIONS

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 1588 days in filing the petition to set aside abatement caused due to the death of the sole appellant in SA(MD). No.317 of 2006.



Prayer in CMP(MD). 12038/ 2024 :

To set aside the abatement caused due to the death of the sole appellant in SA (MD). No.317 of 2006.

Prayer in CMP(MD). 12039/ 2024 :

To Bring on record the proposed parties/appellants 2 to 4 as the legal representatives of the deceased sole appellant and rank them as the appellants 2 to 4 in this Second Appeal in SA(MD). No.317 of 2006

PRAYER in S.A(MD)No.317 of 2006:

To set aside the judgment and decree dated 18.08.2005 and made in AS No.94 of 2003 on the file of Sub Court, Trichy, partly allowing the judgment dated 4.03.2003 in O.S.No.245 of 2000 on the file of District Munsif Court, Musiri and allow this second appeal.

ORDER : This 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.T.V.SIVA KUMAR, Advocate for the petitioner, the Court made the following order:-

These applications have been filed seeking to condone the delay of 1588 days in filing the application to set aside the abatement caused due to the death of the sole appellant in the second appeal, to set aside the abatement caused and to bring on record the proposed parties/appellants 2 to 4 as the legal representatives of the deceased sole appellant and rank them as appellants 2 to 4 in the Second Appeal.

2. The learned counsel appearing for the respondents has no objection for allowing these petitions.



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3. Considering the reasons assigned in the affidavit filed in support of these applications, these applications are allowed on condition that the petitioners pay a sum of Rs.500/- (Rupees Five Hundred only) to the Madurai Bench of Madras High Court Advocate Clerk's Welfare Association, Madurai - 625023 (Account No:- 496039124, IFSC Code:-IDIB000H040) and the delay of 1588 is condoned, the abatement is set aside and the proposed parties/appellants 2 to 4 are brought on record as appellants 2 to 4 in the Second Appeal.

4. The Registry is directed to carryout the necessary amendment in the second appeal and post the appeal on 24.09.2024.

sd/-
03/09/2024

/ TRUE COPY /

/09/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AM

TO

1 THE SUBORDINATE JUDGE,
TRICHY.



S.A(MD)No.317 of 2006

2 THE DISTRICT MUNSIF
MUSIRI.

COPY TO:

1 THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

C.M.P(MD)Nos.12037, 12038 and 12039 of 2024
in

S.A(MD)No.317 of 2006

Date :03/09/2024

SS/GS/SAR- /13/09/2024/4P/5C

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