



C.M.P(MD)Nos.12606, 12607 & 12608 of 2024

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

Thursday, the Twelfth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

C.M.P(MD)Nos.12606, 12607 & 12608 of 2024
in
S.A(MD)No.397 of 2006

1 PERIYAKARUPPAN(DIED),

2 KALIMUTHU (DIED)

3 VEERABATHIRAN(DIED)

... APPELLANTS 1-3
IN ALL THE PETITIONS

4 CHINNAIAH

5 VELLAIYAN

6 CHANDRAN

7 MANIKANDAN

8 AYYAPPAN

... PETITIONERS 4-8/PROPOSED APPELLANTS 4-8
(L.Rs OF 1st APPELLANT)
IN ALL THE PETITIONS

9 K.MURUGAN

10 K.ARUMUGAM

11 M.MANIKANDAN

<https://www.mhc.tn.gov.in/judis>



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12 M.KARTHICK KUMARAN

... PETITIONERS 9-12/PROPOSED APPELLANT 9-12
(LRs OF 2nd APPELLANT)
IN ALL THE PETITIONS

13 MURUGESAN

14 VELU

15 PALANIVEL

16 KANNAN

... PETITIONERS 13-16/PROPOSED APPELLANTS 13-16/
(LRs OF 3rd APPELLANT)
IN ALL THE PETITIONS

Vs

PALANI

... RESPONDENT/RESPONDENT
IN ALL THE PETITIONS

Prayer in CMP(MD). 12606/ 2024 :

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 5713 days in filing the application to set aside the abatement caused due to the death of Periyakaruppan, the 1st appellant in the above Second Appeal and thus render justice.

Prayer in CMP(MD). 12607/ 2024 :

To set aside the abatement caused due to the death of Periyakaruppan, the 1st appellant in the above Second Appeal and thus render justice.

Prayer in CMP(MD). 12608/ 2024 :

To bring on record the petitioners 4 to 8 herein, the legal heirs of the deceased 1st appellant, and rank them as appellants 4 to 8 in the above Second Appeal and thus render justice.



Prayer in SA(MD)No.397/2006:

To prefer the above Memorandum of Grounds of Second Appeal against the Judgement and Decree passed in A.S.No.220/2005 dated 19.01.2006, on the file of the 1st Additional Subordinate Judge, Madurai, reversing the judgment and Decree passed in O.S.No.507 of 2004, dated 19.09.2005, on the file of the District Munsif Court, Tirumangalam.

ORDER : This 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.J.PADHMAAVATHI DEVI, Advocate for the petitioner in all the Petitions and of M/s.M.D.DEVI SARAVANAPRIYA, Advocate for Mr.PT.S.NARENDRAVASAN, Advocate on behalf of the Respondent in all the Petitions, the court made the following order:-

These applications have been filed seeking to condone the delay of 5713 days in filing the application to set aside the abatement caused due to the death of the first appellant Periyakaruppan in the second appeal, to set aside the abatement caused and to bring on record the petitioners 4 to 8 as legal heirs of the deceased first appellant and rank them as appellants 4 to 8 in the Second Appeal.

2. Heard the learned counsel appearing for the petitioners. The learned counsel appearing for the respondent has no objection for allowing these applications.

3. Considering the reasons assigned in the affidavit filed in support of the application, the delay of 5713 days is condoned on condition that the petitioners pay a sum of Rs.5000/- (Rupees Five Thousand only) to Mrs.M.D.Devi Saravanapriya, Advocate, within a period of two weeks from the date of receipt of a copy of this

order, failing which, the petition shall stand dismissed automatically without further



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reference of this Court. Consequently, connected applications to set the abatement and to bring record the legal heirs of the deceased are also allowed.

4. The Registry is directed to carryout the necessary amendment in the second appeal and post the matter after two weeks.

sd/-
12/09/2024

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

AM
TO
1 THE I ADDITIONAL SUBORDINATE
MADURAI.

2 THE DISTRICT MUNSIF,
TIRUMANGALAM.

COPY TO:
1 MRS.M.D.DEVI SARAVANAPRIYA,
ADVOCATE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

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



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ORDER
IN
C.M.P(MD)Nos.12606, 12607 & 12608 of 2024
in
S.A(MD)No.397 of 2006
Date :12/09/2024

SA/VR/SAR. /20.09.2024/5P/5C

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