



C.M.P(MD)Nos.13624, 13625 & 13626 of 2024

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

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

C.M.P(MD)Nos.13624, 13625 & 13626 of 2024
in
S.A(MD)No.474 of 2005

1 SUBRAMANIAN (DIED)

2 MOHANAMBAL (DIED)

... NIL/ APPELLANTS 1 & 2
IN ALL THE PETITIONS

3 SEKAR

4 RAGHURAMAN

5 NATARAJAN (DIED)

... NIL/5th APPELLANT
IN ALL THE PETITIONS

6 VENKATESH

7 SUKUMARI

8 S.RAJESH

.. PETITIONERS 3,4,6,7 & 8/ APPELLANTS 3,4,6,7 & 8
IN ALL THE PETITIONS

9 SUBBULAKSHMI

10 MINOR.ARAVIND KRISHNAN

REPRESENTED BY HIS MOTHER AND NATURAL
GUARDIAN THE 9th RESPONDENT HEREIN

... PETITIONERS 9 & 10/PROPOSED APPELLANTS 9 & 10
(LEGAL HEIRS OF DECEASED 5th APPELLANT)
IN ALL THE PETITIONS

Vs



C.M.P(MD)Nos.13624, 13625 & 13626 of 2024

1 SANTHA

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2 DAKSHINAMOORTHY

... RESPONDENTS 1 & 2/RESPONDENTS 1 & 2
IN ALL THE PETITIONS

Prayer in CMP(MD). 13624/ 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 775 days in setting aside the abatement caused due to the death of 5th appellant in the above appeal and thus render justice.

Prayer in CMP(MD). 13625/ 2024 :

To set aside the abatement caused due to the death of 5th appellant in the above appeal and thus render justice.

Prayer in CMP(MD). 13626/ 2024 :

To bring on record the legal heirs of deceased 5th appellant / Petitioners 9 to 10 and rank them as appellants 9 to 10 in the above appeal and thus render justice.

Prayer in SA(MD).474/2005:

Pleased to set aside the decree and judgment of the Principal District Judges Court, Thanjavur passed in A.S.No.20 of 2004 dated 10.11.2004 confirming the decree and judgment of the Additional Subordinate Judge Court, Kumbakonam passed in O.S.No.81 of 1997 dated 22.08.2003.

ORDER : These Civil Miscellaneous Petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.K.VIJAYARAGHAVAN, Advocate for the petitioner in all the Petitions and of Mr.RAGUVARAN GOPALAN, Advocate on behalf of the 1st Respondent in all the Petitions and none appeared for the 2nd Respondent side either in person or by an advocate in all the Petitions, the court made the following order:-

This application has been filed seeking to condone the delay of 775 days in setting aside the abatement caused due to the death of 5th appellant in the above appeal.



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2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent.

3. Considering the reasons assigned in the affidavit filed in support of the application, this application is allowed and the delay of 775 days is condoned on condition that the petitioners pay a sum of Rs.1000/- (Rupees Thousand only) in the name of Women Advocates Association, Madurai Bench of Madras High Court (Account No.6477041768, IFSC Code No.IDIB00H040, Indian Bank, High Court Branch, Madurai) for the purpose of maintaining Creche located in the campus of the Madurai Bench of Madras High Court, within a period of two weeks from today, failing which, the petition shall stand dismissed automatically without further reference of this Court. Consequently, connected C.M.P(MD)Nos.13625 & 13626 of 2024 are also allowed.

4. Post the matter after two weeks.

sd/-
01/10/2024

/ TRUE COPY /

/10/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AM
TO
1 THE PRINCIPAL DISTRICT JUDGE,
THANJAVUR.

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



C.M.P(MD)Nos.13624, 13625 & 13626 of 2024

2 THE ADDITIONAL SUBORDINATE JUDGE,
KUMBAKONAM.

COPY TO:
THE OFFICER INCHARGE,
WOMEN ADVOCATES ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
C.M.P(MD)Nos.13624, 13625 & 13626 of 2024
in
S.A(MD)No.474 of 2005
Date :01/10/2024

SA/VR/SAR. /07.10.2024/4P/4C

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