



CMP(MD). No.16222,16223 and 16225 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

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

PRESENT

The Hon`ble Mr.Justice MUMMINENI SUDHEER KUMAR

CMP(MD). No.16222,16223 and 16225 of 2023
in
SA No.117 of 2002

- 1.Tmt.Pappammal,
- 2.Tmt.Sundarambal,
- 3.Tmt.Senpagavalli,
- 4.Thiru.Poovalingam,

... Petitioners/ Appellants(in all CMPs)

Vs

- Ramasamy Chettiar (Died),
- 1) Saraswathi,
 - 2) Kalpana,
 - 3) Sathya,
 - 4) Manikandan,
 - 5) Kannadasan,

... Respondents 1 to 5/ Legal heirs of deceased
sole respondent (in all CMPs)

Prayer in CMP(MD). 16222/ 2023:-

Civil Miscellaneous Petition is filed under Sec.5 of Limitation Act to Condone

the delay of 7180 days occurred in filing application to set aside abatement caused

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against the death of the sole respondent Ramasamy Chettiar and thus render justice.

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Prayer in CMP(MD). 16223/ 2023 :-

Civil Miscellaneous Petition is filed under Sec.5 of Limitation Act to set aside the abatement caused against the death of the sole respondent Ramasamy Chettiar and thus render justice.

Prayer in CMP(MD). 16225/ 2023 :-

Civil Miscellaneous Petition is filed under Sec.5 of Limitation Act to bring on Records the legal heirs of deceased respondent Ramasamy Chettiar as respondent 2 to 6 in this Second Appeal and thus render justice.

Prayer in SA. 117/ 2002 :-

The Second Appeal is filed under Section 100 of the Civil Procedure Code, against the Judgment and Decree dated 11/10/1999 in O.S.No.710 of 1995 on the file of the District Munsif cum Judicial Magistrate, Keeranur reversing the judgment and decree dated 19/06/2000 in A.S.No.174 of 1999 on the file of the Principal District Judge, Pudukkottai.



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ORDER:- These Petitions coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s. VR.Shanmuganathan, Advocate for the Petitioner and of No appearance for the respondent, this Court made the following order:

“These CMPs have been filed seeking condonation of delay of 7180 days in filing an application, to set aside the abatement caused due to the death of the sole respondent and to bring on record the legal representatives of the deceased sole respondent as respondents 2 to 6 in the main appeal.

2. It is represented by the learned counsel appearing for the appellants that the matter has already been settled out of Court between the parties and seeks permission of this Court to withdraw the Second Appeal. However, from the perusal of the materials on record it is seen that the Second Appeal has already been dismissed as abated on 02.08.2023. It is also seen that this Court by order, dated 22.12.2023 passed the conditional order in the said CMPs directing the petitioners to pay Batta within three working days from that date. But, the same was not complied with and accordingly, the Registry made an endorsement that the above CMPS stood dismissed by operation of the order, dated 22.12.2023.



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3. In view of the request made by the appellants to withdraw the Second Appeal and in the light of the above endorsement made by the Registry no further order is necessary in these petitions. Accordingly, these petitions are closed. "

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/01/2024

Sub Assistant Registrar
(CS-I/II/III/IV)

TO

1. The District Munsif cum Judicial Magistrate,
Keeranur.
2. The Principal District Judge,
Pudukkottai.

Copy to
The Section Officer,
V.R Section,
Madurai Bench of Madras High Court, Madurai. (2 Copies)

ORDER DATED : 09/01/2024

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ORDER

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in
SA No.117 of 2002

SI-(29.01.2024) 4P/ 5C

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

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