



C.M.P(MD)Nos.13446, 13447 and 13448 of 2024

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

Friday, the Eighteenth day of October Two Thousand and Twenty Four
PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

C.M.P(MD)Nos.13446, 13447 and 13448 of 2024

in

S.A(MD)No.396 of 2006

1 SASIKALA

2 NARAYANAN

... PETITIONERS/ APPELLANTS
IN ALL THE PETITIONS

Vs

1 KALIYARETHINAM (DIED)

2 MALATHI

3 RAJENDRAN(DIED)

4 VIJAYALAKSHMI

5 NAGARAJAN(DIED)

6 SEKAR

7 ANANDAN

... RESPONDENTS/RESPONDENTS
IN ALL THE PETITIONS

8 SHANTHI

... 8th RESPONDENT/8th PROPOSED RESPONDENT
(LR's OF DECEASED 3rd RESPONDENT)
IN ALL THE PETITIONS

9 N.MEENA

10 SUGANYA DEVI

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



11 SURYAKUMAR

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... 9 TO 11 RESPONDENTS/9 TO 11 PROPOSED RESPONDENTS
(LR's OF DECEASED 5th RESPONDENT)
IN ALL THE PETITIONS

Prayer in CMP(MD). 13446/ 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 783 days in filing the application to set aside the abatement caused due to the death of 5th Respondent in S.A.(MD).No.396 of 2006 on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD). 13447/ 2024 :

To set aside the abatement caused due to the death of 5th Respondent in S.A. (MD).No.396 of 2006 on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD). 13448/ 2024 :

To bring on record the proposed 9 to 11 Respondents herein as legal representatives of deceased 5th respondent and rank them as 9 to 11 respondents in S.A.(MD).No.396 of 2006 on the file of this Honourable Court and thus render justice.

Prayer in SA(MD).396/2006:

To prefer this Memorandum of Grounds of Second Appeal against the Judgment and Decree of the 1st Additional Sub Judge, dated 19.12.2005 in A.S.No.198/2003, reversing the judgment and decree of the District Munsif Court, Musiri dated 24.07.2003 in O.S.No.355 of 1993.

ORDER : This Civil Miscellaneous Petitions coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.GOVINDARAJAN, Advocate for M/S.SARVABHAUMAN ASSOCIATES, Advocate for the petitioners in all the Petitions, the court made the following order:-

These applications have been filed seeking to condone the delay of 783 days in filing the application to set aside the abatement caused due to the death of the fifth respondent, to set aside the abatement and to bring on record the proposed 9 to 11



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respondents herein as legal representatives of the deceased fifth respondent and rank them as respondents 9 to 11 in the second appeal.

2. Heard the learned counsel appearing for the petitioners. Though notice sent to the proposed respondents were served and their names were also printed in the cause list, there is no representation.

3. Considering the reasons assigned in the affidavit filed in support of the application, the delay of 783 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.13447 & 13448 of 2024 are also allowed.

4. Post the matter on 25.10.2024 'for reporting compliance'.

sd/-

18/10/2024

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/10/2024

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



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AM

TO

1 THE I ADDITIONAL SUBORDINATE JUDGE,
TIRUCHIRAPPALLI.

2 THE DISTRICT MUNSIF,
MUSIRI.

COPY TO:

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

ORDER IN
C.M.P(MD)Nos.13446, 13447 and 13448 of 2024
in
S.A(MD)No.396 of 2006
Date :18/10/2024

SA/VR/SAR. /22.10.2024/4P/4C

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