



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Sixteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice C. KUMARAPPAN

CMP(MD)Nos.10806,10807 & 10810 of 2019 and 2015 of 2024
in
CRP(MD) No.1118 of 2012

Ayyakutty

... Petitioner/Petitioner

Vs

1 S.Perumal (Died)

2 Bagavathy

3 Manikandan

4 Sumathi

5 Seethalakshmi

6 Muthukrishnan

7 Umamaheswari

8 Velmurugan

9 Subbiah Doss

10 Parvathi

11 Manju Ayyappan

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

...Lrs of the deceased 1st Respondent/
Proposed Respondent



Prayer in CMP(MD) NO.10806 of 2019:-

This Civil Miscellaneous Petition is filed under section 5 of Limitation Act, to condone the delay of 1046 days in filing the application to set aside the abatement of the deceased S.Perumal the sole respondent in the above Civil Revision Petition in CRP(MD)No.1118 of 2012 on the file of this Honourable Court.

Prayer in CMP(MD) No.10807 of 2019:-

This Civil Miscellaneous Appeal is filed under order XII Rule 9(2) of C.P.C., to set aside the abatement of the above Civil Revision Petition in CRP(MD)No.1118 of 2012 on the file of this Honourable Court for the reason of not bringing the legal representative, of the deceased sole respondent S.Perumal on record.

Prayer in CMP(MD)No.No.10810 of 2019:

This Civil Miscellaneous Petition is filed under order XXII Rule 3 of C.P.C., to bring the respondent herein on record as the legal representatives of the deceased S.Perumal, the sole respondent by ranking them as respondents 2 to 11 in the above Civil Revision Petition in CRP(MD)No.1118 of 2012 on the file of this Honourable Court.

Prayer in CMP(MD)No.No.2015 of 2024:

This Civil Miscellaneous Petition is filed under order 9 Rule 9 of C.P.C., to set aside the order of dismissal as abated dated 04.10.2019 passed in CRP(MD) No.1118 of 2012 on the file of this Hon'ble Court.

Prayer in CRP(MD) No.1118 of 2012:-

This Civil Revision petition is filed under Article 227 of Constitution of India, to set aside the order dated 16.02.2012 passed in IA No.682 of 2011 in OS No.4 of 2011 on the file the Principal District Munsif & Judicial Magistrate of Tiruchendur, by allowing this allowing the Civil Revision Petition.

ORDER:-

This Petition 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 Ms.P.Jessi Jeeva Priya, Advocate for the Petitioner, this Court made the following order:

“The learned Counsel appearing for the proposed respondents has

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no serious objection for allowing these applications.



2.Considering the submission made by the learned Counsel for the petitioner and having satisfied with the averments made in the affidavit, these petitions are allowed.

3.Consequent to the above, CRP(MD) No.1118 of 2012 is restored to the file of this Court. The Registry is directed to make necessary amendments in the petition and post the revision before this Court on 29.02.2024.”

Sd/-

Assistant Registrar(C.O)

// True Copy //

/02/2024

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

TO

The Principal District Munsif & Judicial Magistrate,
Tiruchendur.

Copy to:

1. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)



WEB COPY



ORDER DATED : 16/02/2024

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ORDER

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CMP(MD)Nos.10806,10807 & 10810 of
2019 and 2015 of 2024
in
CRP(MD) No.1118 of 2012

Giving direction and etc.
as stated within.

SSA (23.02.2024) 4P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.