



SA(MD) No.SR5204 of 2011

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

Tuesday, the Twenty Third day of July Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CMP(MD) Nos.11104 and 11105 of 2017

IN

SA(MD) No.SR5204 of 2011

K. PALANIAPPAN

... Petitioner / Petitioner / Petitioner / Appellant
in both petitions

Vs

1 K. KALIMUTHU (DIED)

2 C. RANI

... 2nd Respondent / 2nd Respondent /
2nd Respondent / 2nd Respondent
in both petitions

3 GANESAN

4 AMUTHA

5 SEKAR

6 RADHA

... Respondents 3 to 6 / Respondents 3 to 6 /
LRs of deceased 1st Respondent /
LRs of deceased 1st Respondent
in both petitions



SA(MD) No.SR5204 of 2011

Prayer in CMP(MD). 11104/ 2017 :

To pass an order to restore the M.P.(MD).No.2 of 2011 the petition to set aside abatement caused due to the death of the 1st Respondet, dismissed fo default on 02.03.2016 an against the Respondents 3,4 and 6 and the same may be disposed of on merits.

Prayer in CMP(MD). 11105/ 2017 :

To pass an order to restore the M.P.(MD).No.3 of 2011 the petition to set aside abatement caused due to the death of the 1st Respondet, dismissed fo default on 02.03.2016 an against the Respondents 3,4 and 6 and the same may be disposed of on merits.

Prayer in MP(MD) No.2 of 2011 in SA(MD) SR No.5204 of 2011:

To set aside the abatement caused due to the death of the deceased 1st respondent.

Prayer in MP(MD) No.3 of 2011 in SA(MD) SR No.5204 of 2011:

To bring on record Respondents 3 to 6 herein as legal representatives of deceased R1 as respondents 3 to 6 in MP(MD) No.1 of 2011 as well as second appeal.

Prayer in SA(MD) SR No.5204 of 2011:

To allow this second appeal and set aside the judgment and decree dated 08.09.2009 made in A.S.No.72 of 2008 on the file of the I Additional Subordinate Judge Court, Madurai confirming the judgment and decree dated 13.03.2008 made in O.S.No.16 of 2006 on the file of the District Munsif Court, Melur.

ORDER : These 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 M/S.PT.S.NARENDRA VASAN, Advocate for the petitioner, the court made the following order:-

Learned counsel for the petitioner would submit that the petitioner is reported to be dead and the legal representative is not interested to get along with the matter.



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2. In view of the above submission, these petitions are dismissed as abated.

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sd/-
23/07/2024

/ TRUE COPY /

/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN

To

1.The I Additional Subordinate Judge,
Madurai.

2.The District Munsif,
Melur.

ORDER
IN
CMP(MD) Nos.11104 and 11105 of 2017
IN
SA(MD) No.SR5204 of 2011
Date :23/07/2024

ED/ JGB /SAR- (30/07/2024) 3P / 3C

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