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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
Friday, the Thirtieth day of August Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE P.VELMURUGAN
AND
The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CMP(MD). Nos.11138 to 11140 of 2022
in
AS(MD) No.59 of 2015

1. I.Dheivanai(Died)

2. A. Thilagavathi (Died)

... Appellants 1 & 2

3. S.Malarchelvi

4. A.Muthuvel

5. A.Devi Komathy

... 3-5 Petitioners/ Appellants 3- 5
(in all CMPs)

Vs

1 I.Parisekaran

... 1st Respondent/1st Respondent

2 I. Ilavarasu (Died)

... 2nd Respondents

3 I. Chandrasekaran

... 3rd Respondents/3rd Respondents

4 Muthulakshmi

5 I.Prabhu

6 I.Renuka Devi

... Proposed Respondents No.4 to 6/
Respondents No.4
(LR's of 2nd Respondent)
(in all CMPs)



Prayer in CMP(MD). No.11138 of 2022:-

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Civil Miscellaneous Petition filed under section 5 of Limitation Act to Condone the delay of 9 days in filing the petition to set aside the abatement caused due to the death of 2nd Respondent in the A.S.No.59 of 2015 on the file of this Hon'ble Court and thus render justice.

Prayer in CMP(MD). No.11139 of 2022:-

Civil Miscellaneous Petition filed under Order 22, Rule 9 of CPC to set aside the abatement caused due to the death of 2nd Respondent in the A.S.No.59 of 2015 on the file of this Hon'ble Court and thus render justice.

Prayer in CMP(MD). No.11140 of 2022:-

Civil Miscellaneous Petition filed under Order 22, Rule 4 of CPC to bring on record the Respondents 4 to 6 as Legal heirs of Deceased Respondent No.2 rank them as Respondent No.4 to 6 in A.S.No.59 of 2015 on the file of this Hon'ble Court and thus render justice.

Prayer in AS(MD)59 OF 2015:-

Appeal Suit filed under section 96 of Civil Procedure Code, against the Judgment and decree dated 10.10.2014 made in OS No.28/2012 on the file of the Principal District Court, Tuticorin.

COMMON 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 Mr.S.Rajasekar, Advocate for the Petitioners and of Mr.T.Antony Arul



Raj, Advocate for the 1st Respondent and of Mr.S.Senthil Sankaran Nathakumar, Advocate for the 3rd Respondent (in all CMP's), this Court made the following order:

(Order of the Court was made by P.VELMURUGAN,J)

These petitions have been filed to condone the delay in filing the petition to set aside the abatement; to set aside the abatement caused due to the death of the 2nd respondent and to bring on record the respondents 4 to 6 as legal heirs of the deceased 2nd respondent.

2. The learned counsel for the respondents has no serious objection to allow these petitions.

3. Being satisfied with the reasons stated in the affidavit filed in support of these petitions, the delay is condoned and these petitions are ordered accordingly.

4. Registry is directed to carry out the necessary amendments in the appeal.

5. The learned counsel for the petitioners/appellants is directed to file the amended copy of the Memorandum of grounds of appeal within a period of 10 days from today.



6. The Registry is directed to issue notice to the proposed respondents/R4 to R6 returnable by four weeks. Batta in 3 days, failing which, the appeal shall stand dismissed automatically as against the newly impleaded respondents 4 to 6, without any further reference to the Court. Once batta is paid, the Registry is directed to process on the same day.

7. Affidavit of proof of service ought to be filed on or before 30.09.2024.

8. List on 03.10.2024.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/ /2025

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

TO

+ 3 CD to Mr.T.Antony Arul Raj, Advocate CA SR.No.5397/2025



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ORDER DATED : 30/08/2024

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ORDER

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CMP(MD).Nos.11138 to 11140 of 2022
in
AS(MD)No.59 of 2015
Giving direction and etc.
as stated within.

MGJ(08.05.2025) 5P 4C

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