



CMP(MD) No.1216 of 2024

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

Thursday, the Twenty Ninth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

C.M.P(MD)Nos.1216, 1217 & 1218 of 2024

in

S.A(MD)No.811 of 2006

A.THANUKRISHNAN,

... PETITIONER/ APPELLANT

Vs

1 A.LAKSHMI NADACHI, (DIED)

2 A.CHANDRASEKARAN,(DIED)

3 A.SOUNDAR RAJAN,

4 R.PADMAVATHI (DIED)

5 S.REGUPATHY AMMAL,

6 A.SUSILA,

7 A.AMBIKA,

8 M.JAYALALITHA,

9 A.VIJAYA,

... RESPONDENTS 1 TO 9/RESPONDENTS 1 TO 9

10 SUSEELA,



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11 VAIDEHI,  
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12 C.AJITHA,

13 ARUN KUMAR, ... RESPONDENTS 10 TO 13/PROPOSED RESPONDENTS/  
LRs OF DECEASED R2

Prayer in CMP(MD). 1216/ 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 451 days in setting aside the abatement caused by the death of 2nd Respondent in the above S.A.(MD).No.811/2006 and thus render justice.

Prayer in CMP(MD). 1217/ 2024 :

To set aside the abatement caused by the death of the 2nd Respondent in the above S.A.(MD).No.811/2006 and thus render justice.

Prayer in CMP(MD). 1218/ 2024 :

To Bring on Record the Respondents 10 to 13 / Proposed Respondents as the legal representatives of the deceased 2nd Respondent and rank them as Respondnts 10 to 13 in the above SA.(MD).No.811/2006 and thus render justice.

Prayer in SA(MD).811/2006:

To prefer this memorandum of Second Appeal against the judgment and decree dated 19.01.2006, passed in A.S.No.29/2005 on the file of the 1<sup>st</sup> Additional Sub-Judge, Nagercoil confirming the judgment and decree dated 04.10.2004, passed in O.S.No.421/1999, on the file of the 2<sup>nd</sup> Additional District Munsif, Nagercoil.

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.C.DHANASEELAN, Advocate for the petitioner in all the petitions, the court made the following order:-

These applications have been filed seeking to condone the delay of 451 days in filing the application to set aside the abatement caused due to the death of the second



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respondent in the second appeal, to set aside the abatement caused and to bring on record the respondents 10 to 13 as legal heirs of the deceased second respondent and rank them as respondents 10 to 13 in the Second Appeal.

2. Heard the learned counsel appearing for the petitioner.

3. Considering the reasons assigned in the affidavit filed in support of these applications, these applications are allowed on condition that the petitioners pay a sum of Rs.500/- (Rupees Five Hundred only) in the name of H.M.MDU East P U PRIM School, State Bank of India, Othakadai, Madurai, A/C.No.10111536270, IFSC SBIN0002246, within a period of two weeks from the date of receipt of a copy of this order, failing which, the petitions shall stand dismissed automatically without further reference of this Court.

4. The Registry is directed to carryout the necessary amendment in the second appeal and post the matter on 18.09.2024.

sd/-  
29/08/2024

/ TRUE COPY /

/09/2024  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

AM  
TO  
1 THE I ADDITIONAL SUBORDINATE JUDGE,  
NAGERCOIL.

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



**CMP(MD) No.1216 of 2024**

2 THE II ADDITIONAL DISTRICT MUNSIF,  
NAGERCOIL.

**COPY TO:**

1 THE SECTION OFFICER,  
JUDICIAL SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2 THE HEAD MASTER  
MADURAI EAST P U PRIM SCHOOL,  
STATE BANK OF INDIA, OTHAKADAI, MADURAI

+1 CC to M/s.C.DHANASEELAN, Advocate ( SR-10558[I] dated 29/08/2024 )

ORDER IN  
C.M.P(MD)Nos.1216, 1217 & 1218 of 2024  
in

S.A(MD)No.811 of 2006

Date :29/08/2024

SA/VR/SAR. /03.09.2024/4P/6C

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