



CMP(MD) No.13612 of 2024

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

Thursday, the Seventeenth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

C.M.P(MD)Nos.13612, 13613 & 13615 of 2024

in

S.A(MD)No.803 of 2005

1 KRISHNA THEVAR

2 PERUMAL THEVAR (DIED)

3 ELLAN (DIED)

4 PAPPA

... PETITIONERS/ APPELLANTS

5 MAHARASI

6 BALAKRISHNAN

7 VALLIYAMMAL

... PETITIONERS/PROPOSED APPELLANTS 5 TO 7
LR'S OF DECEASED 2ND APPELLANT

Vs

1 SHANMUGATHAI

2 SANKARAMMAL

3 SARASWATHI,

4 INDIRA

... RESPONDENTS 1 TO 4/RESPONDENTS 1 TO 4

5 INDIRANI

6 PERUMAL

7 RAMALAKSHMI,

... RESPONDENTS 5 TO 7
/PROPOSED RESPONDENTS 5 TO 7
LR'S OF DECEASED 3RD APPELLANT



CMP(MD) No.13612 of 2024

Prayer in CMP(MD). 13612/ 2024 :

To condone the delay of 791 days in filing the application to set-aside the abatement caused due to the death of the Ellan the 3rd appellant in the above SA (MD).803 of 2005.

Prayer in CMP(MD). 13613/ 2024 :

To set-aside the abatement caused due to the death of the Ellan the 3rd appellant in the above SA(MD).803 of 2005.

Prayer in CMP(MD). 13615/ 2024 :

To bring on record the 5 to 7 respondents herein who are the Legal Representatives of the deceased Ellan the 3rd appellant and rank them as responder 5 to 7 in the Second Appeal (MD) No.803 of 2005 in the above Second Appeal.

Prayer in SA(MD).803/2005 :

To prefer this Memorandum of Second Appeal against the Judgment and Decree of the Learned Subordinate Judge, Thoothukudi passed in A.S.64 of 2004 dated 02.11.2004 setting aside the Judgment and Decree of Learned Additional District Munsif of Thoothukudi passed in O.S.No.257 of 1994 dated 24.02.1995.

ORDER : This petition 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.N.TAMILMANI, Advocate for the petitioners in all CMP's, the court made the following order:-

C.M.P(MD)No.13612 of 2024 has been filed to condone the delay of 791 days in filing the application to set aside the abatement caused due to the death of Ellan, the third appellant in the above S.A(MD)No.803 of 2005.

2.C.M.P(MD)No.13613 of 2024 has been filed to set aside the abatement caused due to the death of Ellan, the third appellant in the above S.A(MD)No.803 of 2005.

3.C.M.P(MD)No.13615 of 2024 has been filed to bring on record the respondents



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5 to 7 herein, who are the legal representatives of the deceased Ellan, the third appellant and rank them as respondents 5 to 7 in the above S.A(MD)No.803 of 2005.

4.Heard the learned counsel appearing on either side.

5.Having been satisfied with the reasons assigned in the affidavit filed in support of these petitions, these Civil Miscellaneous Petitions are allowed.

6.Registry is directed to carry out necessary amendments in the cause title.

sd/-

17/10/2024

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/10/2024

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

TO

1 THE SUBORDINATE JUDGE,
THOOTHUKUDI.

2 THE ADDITIONAL DISTRICT MUNSIF,
THOOTHUKUDI.

COPY TO

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



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CMP(MD) No.13612 of 2024

ORDER

IN

C.M.P(MD)Nos.13596, 13597 & 13600 of 2024

in

S.A(MD)No.803 of 2005

Date :17/10/2024

RS/VR/SAR-(21.10.2024) 4P 4C

Madurai Bench of Madras High Court is issuing
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