



CMP(MD) No.13596 of 2024

WEB COPY

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.13596, 13597 & 13600 of 2024

in

S.A(MD)No.803 of 2005

1 KRISHNA THEVAR

2 PERUMAL THEVAR (DIED)

3 ELLAN (DIED)

4 PAPPA

5 MAHARASI

6 BALAKRISHNAN

7 VALLIYAMMAL

... PETITIONERS/ APPELLANTS

... 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

Prayer in CMP(MD).13596/2024 :

To condone the delay of 3122 days in filing the application to set-aside the abatement caused due to the death of the Perumal Thevar the 2nd appellant in the above SA(MD).803 of 2005.



CMP(MD) No.13596 of 2024

Prayer in CMP(MD). 13597/ 2024 :

To set-aside the abatement caused due to the death of the Perumal Thevar the 2nd appellant in the above SA(MD).803 of 2005.

Prayer in CMP(MD). 13600/ 2024 :

To bring on record the 5 to 7 petitioners herein who are the Legal Representatives of the Perumal Thevar the 2nd appellant and rank them as appellants 5 to 7 in the above SA(MD).803 of 2005 in the above SA.

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.13596 of 2024 has been filed to condone the delay of 3122 days in filing the application to set aside the abatement caused due to the death of Perumal Thevar, the second appellant in the above S.A(MD)No.803 of 2005.

2.C.M.P(MD)No.13597 of 2024 has been filed to set aside the abatement caused due to the death of Perumal Thevar, the second appellant in the above S.A(MD) No.803 of 2005.

3.C.M.P(MD)No.13600 of 2024 has been filed to bring on record the petitioners 5 to 7 herein, who are the legal representatives of Perumal Thevar, the second appellant and rank them as appellants 5 to 7 in the above S.A(MD)No.803 of 2005.



CMP(MD) No.13596 of 2024

WEB COPY

4.The learned counsel appearing for the respondents 1 to 4 filed a counter-affidavit and opposed for ordering these petitions.

5.However, having been satisfied with the reasons assigned in the affidavit filed in support of these petitions, these Civil Miscellaneous Petitions are allowed on condition that the petitioners pay a sum of Rs.5,000/- (Rupees Five Thousand Only) to the learned counsel appearing for the respondents, within a period of two weeks from the date of receipt of a copy of this order, failing which, these petitions shall stand automatically dismissed, without further reference to this Court.

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

sd/-

17/10/2024

/ TRUE COPY /

/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.



WEB COPY



CMP(MD) No.13596 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
certified copies in this format from 17/07/2023