



CMP(MD). No.17103 of 2023 and 17106 and 17107 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Fifteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CMP(MD). No.17103 of 2023 and 17106 and 17107 of 2023
in
SA(MD).NO.892 OF 2008

Chittal (Died), ..Sole Appellant

2) Mariappan
S/o.Kottaiyan

3. Alagammal
W/o Arumugam

.. Petitioner/Proposed Appellants
2 &3/ Legal Heirs of the
deceased Appellant

Vs

1 Ramu Ammal,
W/o.P.Muthaiah

2 Soonai Muthu,
Rep. by its Guardian
Arjunan

..Respondents/ Respondents

Prayer in CMP(MD).No.17103 of 2023:-

This Civil Miscellaneous Petition is filed Under Section 5 of Limitation Act, To
Condone the delay 497 of days in filing the application for setting aside the
abatement of the above Second Appeal in S.A.No.892 of 2008 as against the
deceased 1st Appellant



CMP(MD). No.17103 of 2023 and 17106 and 17107 of 2023

Prayer in CMP(MD).No.17106 of 2023:-

WEB COPY

This Civil Miscellaneous Petition is filed Under Order 22 Rule 9(2) of C.P.C., to set aside the abatement of the above Second Appeal in SA(MD).No.892 of 2008 as against the deceased 1st Appellant.

Prayer in CMP(MD).No.17107 of 2023:-

This Civil Miscellaneous Petition is filed Under Order 22 Rule 4 of C.P.C., to bring on record the proposed petitioners 2 and 3 as legal representatives of the deceased 1st Appellant and rank them as Appellants 2 and 3 in the above Second Appeal in SA(MD).No.892 of 2008.

Prayer in SA(MD).No. 892 of 2008 :-

This Second Appeal filed Under Section 100 of C.P.C., against the decree and Judgment of the Subordinate Judge's court, Sivagangai dated 12.07.2007 and made in A.S.No.47 of 2006 reversing the well considered decree and Judgment of the District Munsif Court, Sivagagai dated 28.11.2005 and made in O.S.No.26 of 2004.

ORDER:- This Civil Miscellaneous Petitions are 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 M/s.G.Prabhu Rajadurai, Advocate for the Petitioner in all the petitions, this Court made the following order:



CMP(MD). No.17103 of 2023 and 17106 and 17107 of 2023

WEB COPY

“These applications have been filed to condone the delay of 497 days in filing the petition to set aside the abatement caused due to the death of the first appellant in S.A.(MD)No.892 of 2008, to set aside the abatement caused due to the death of the first appellant and to bring on record the legal heirs of the deceased first appellant as appellants 2 and 3 in the above Second Appeal.

2. Heard the learned counsel for the petitioners and perused the materials available on record.

3. Being satisfied with the reasons assigned in the affidavit filed in support of these Petitions, these Petitions are allowed. The delay of 497 days in filing the Petition to set aside the abatement caused due to the death of the first appellant is condoned. The abatement caused due to the death of the deceased first appellant is set aside. The proposed petitioners are brought on record and ranked as appellants 2 and 3.

4. Registry is directed to carry out the necessary amendment in the second appeal and post the Second Appeal on 06.03.2024.”

Sd/-

Assistant Registrar(C.O)

// True Copy //

/03/2024

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



CMP(MD). No.17103 of 2023 and 17106 and 17107 of 2023

TO

WEB COPY

1. The Subordinate Judge,
Sivagangai

2. The District Munsif,
Sivagangai.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai

ORDER DATED : 15/02/2024

ORDER

CMP(MD). No.17103 of 2023

AND

CMP(MD). No.17106 of 2023

AND

CMP(MD). No.17107 of 2023

IN

SA(MD).NO.892 OF 2008

SI-(11.03.2024) 4P/ 4C

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