



CMP(MD). No.14384 to 14387,14389,14392 to 14396,

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
PRESENT**

THE HONOURABLE MR. JUSTICE R.VIJAYAKUMAR

**CMP(MD). No.14384 to 14387,14389,14392 to 14396,
14399 and 14401 of 2025**

in

MP(MD) Nos.2,2,2,3,3,3,4,4,4,5,5,5/2012

in

SA Nos.807 to 809 of 2001

1. Kannan (Died)

2. Thenayee Ammal (Died)

... Petitioners/ Appellants

3. Dr.K.Suresh

... Petitioners/ Proposed 3rd Appellant
/LR of the deceased Appellants
(in all cmp's)

Vs

1 Kandasamy Gounder (Died)

... Respondent/Respondent

2. Lakshmi

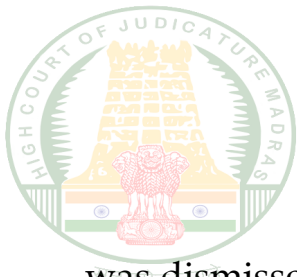
3 E.Kalyani

... Respondents/ Proposed
Respondents 2 & 3
(in all cmp's)

Prayer in CMP(MD). No.14384 of 2025 in SA NO.807 of 2001:

This Petition filed under order 41 , Rule 19 and Section 151 of CPC to Restore
the Miscellaneous petition in MP(MD). No.5 of 2012 in SA No.807 of 2001, which

<https://www.mhjudiciary.org>



CMP(MD). No.14384 to 14387,14389,14392 to 14396.

was dismissed for default on 23.06.2023 and thus render justice.

Prayer in CMP(MD). No.14385 of 2025 in SA NO.807 of 2001:

This Petition filed under order 41 , Rule 19 and Section 151 of CPC to Restore the Miscellaneous petition in MP(MD). No.4 of 2012 in SA No.807 of 2001, which was dismissed for default on 23.06.2023 and thus render justice.

Prayer in CMP(MD). No.14386 of 2025 in SA NO.807 of 2001:

This Petition filed under order 41 , Rule 19 and Section 151 of CPC to Restore the Miscellaneous petition in MP(MD). No.3 of 2012 in SA No.807 of 2001, which was dismissed for default on 23.06.2023 and thus render justice.

Prayer in CMP(MD). No.14387 of 2025 in SA NO.807 of 2001:

This Petition filed under order 41 , Rule 19 and Section 151 of CPC to Restore the Miscellaneous petition in MP(MD). No.2 of 2012 in SA No.807 of 2001, which was dismissed for default on 23.06.2023 and thus render justice.

Prayer in CMP(MD). No.14389 of 2025 in SA NO.808 of 2001:

This Petition filed under order 41 , Rule 19 and Section 151 of CPC to Restore the Miscellaneous petition in MP(MD). No.2 of 2012 in SA No.808 of 2001, which was dismissed for default on 23.06.2023 and thus render justice.

Prayer in CMP(MD). No.14392 of 2025 in SA NO.808 of 2001:

This Petition filed under order 41 , Rule 19 and Section 151 of CPC to Restore the Miscellaneous petition in MP(MD). No.3 of 2012 in SA No.808 of 2001, which was dismissed for default on 23.06.2023 and thus render justice.



CMP(MD). No.14384 to 14387,14389,14392 to 14396.

WEB COPY

Prayer in CMP(MD). No.14393 of 2025 in SA NO.808 of 2001:

This Petition filed under order 41 , Rule 19 and Section 151 of CPC to Restore the Miscellaneous petition in MP(MD). No.4 of 2012 in SA No.808 of 2001, which was dismissed for default on 23.06.2023 and thus render justice.

Prayer in CMP(MD). No.14394 of 2025 in SA NO.808 of 2001:

This Petition filed under order 41 , Rule 19 and Section 151 of CPC to Restore the Miscellaneous petition in MP(MD). No.5 of 2012 in SA No.808 of 2001, which was dismissed for default on 23.06.2023 and thus render justice.

Prayer in CMP(MD). No.14395 of 2025 in SA NO.809 of 2001:

This Petition filed under order 41 , Rule 19 and Section 151 of CPC to Restore the Miscellaneous petition in MP(MD). No.2 of 2012 in SA No.809 of 2001, which was dismissed for default on 23.06.2023 and thus render justice.

Prayer in CMP(MD). No.14396 of 2025 in SA NO.809 of 2001:

This Petition filed under order 41 , Rule 19 and Section 151 of CPC to Restore the Miscellaneous petition in MP(MD). No.3 of 2012 in SA No.809 of 2001, which was dismissed for default on 23.06.2023 and thus render justice.



CMP(MD). No.14384 to 14387,14389,14392 to 14396.

WEB COPY

Prayer in CMP(MD). No.14399 of 2025 in SA NO.809 of 2001:

This Petition filed under order 41 , Rule 19 and Section 151 of CPC to Restore the Miscellaneous petition in MP(MD). No.4 of 2012 in SA No.809 of 2001, which was dismissed for default on 23.06.2023 and thus render justice.

Prayer in CMP(MD). No.14401 of 2025 in SA NO.809 of 2001:

This Petition filed under order 41 , Rule 19 and Section 151 of CPC to Restore the Miscellaneous petition in MP(MD). No.5 of 2012 in SA No.809 of 2001, which was dismissed for default on 23.06.2023 and thus render justice.

Prayer in MP(MD) No. 2 of 2012 in SA NO.807 of 2001:

This petition filed under Order 41 Rule 19 of CPC to set aside the order passed in S.A. No.807 of 2001 which was dismissed for default on 26.06.2008 and to restore the same .

Prayer in MP(MD) No. 3 of 2012 in SA NO.807 of 2001:

This petition filed Under Sections 5 of Limitation Act to condone the delay of 2461 days in presenting the petition to set aside the abetment caused due to the death of the 1st Appellant Mr.Kannan in S.A.No.807 of 2001.

Prayer in MP(MD) No. 4 of 2012 in SA NO.807 of 2001:

This petition filed Under Order 22 Rule 9 of CPC to set aside the abatement caused due to the death of the 1st Appellant Mr.Kannan in S.A.No.807 of 2001.



CMP(MD). No.14384 to 14387,14389,14392 to 14396.

WEB COPY

Prayer in MP(MD) No. 5 of 2012 in SA NO.807 of 2001:

This petition filed Under Order 22 Rule 3 of CPC to BRING ON RECORD the 3rd petitioner as legal heir of the deceased 1st appellant and rank him as 3rd Appellant in S.A.No.807 of 2001.

Prayer in MP(MD) No. 2 of 2012 in SA NO.808 of 2001:

This petition filed under Order 41 Rule 19 of CPC to set aside the order passed in S.A. No.808 of 2001 which was dismissed for default on 26.06.2008 and to restore the same .

Prayer in MP(MD) No. 3 of 2012 in SA NO.808 of 2001:

This petition filed Under Sections 5 of Limitation Act to condone the delay of 2461 days in presenting the petition to set aside the abetment caused due to the death of the 1st Appellant Mr.Kannan in S.A.No.808 of 2001.

Prayer in MP(MD) No. 4 of 2012 in SA NO.808 of 2001:

This petition filed Under Order 22 Rule 9 of CPC to set aside the abatement caused due to the death of the 1st Appellant Mr.Kannan in S.A.No.808 of 2001.

Prayer in MP(MD) No. 5 of 2012 in SA NO.808 of 2001:

This petition filed Under Order 22 Rule 3 of CPC to BRING ON RECORD the 3rd petitioner as legal heir of the deceased 1st appellant and rank him as 3rd Appellant in S.A.No.808 of 2001.



CMP(MD). No.14384 to 14387,14389,14392 to 14396.

Prayer in MP(MD) No. 2 of 2012 in SA NO.809 of 2001:

This petition filed under Order 41 Rule 19 of CPC to set aside the order passed in S.A. No.809 of 2001 which was dismissed for default on 26.06.2008 and to restore the same .

Prayer in MP(MD) No. 3 of 2012 in SA NO.809 of 2001:

This petition filed Under Sections 5 of Limitation Act to condone the delay of 2461 days in presenting the petition to set aside the abetment caused due to the death of the 1st Appellant Mr.Kannan in S.A.No.809 of 2001.

Prayer in MP(MD) No. 4 of 2012 in SA NO.809 of 2001:

This petition filed Under Order 22 Rule 9 of CPC to set aside the abatement caused due to the death of the 1st Appellant Mr.Kannan in S.A.No.809 of 2001.

Prayer in MP(MD) No. 5 of 2012 in SA NO.809 of 2001:

This petition filed Under Order 22 Rule 3 of CPC to BRING ON RECORD the 3rd petitioner as legal heir of the deceased 1st appellant and rank him as 3rd Appellant in S.A.No.809 of 2001.

Prayer in SA No.807/2001:

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the II Additional District Judge, Tiruchirappalli dated 08.12.1998 made in Appeal Suit No.75 of 1998 reversing the judgment and decree of the Subordinate Court, Kulithalai, dated 30.09.1997 made in Original Suit No.80 of 1997.



CMP(MD). No.14384 to 14387,14389,14392 to 14396.

Prayer in SA No.808/2001:

WEB COPY

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the II Additional District Judge, Tiruchirappalli dated 08.12.1998 made in Appeal Suit No.74 of 1998 reversing the judgment and decree of the Subordinate Court, Kulithalai, dated 30.09.1997 made in Original Suit No.82 of 1997.

Prayer in SA No.809/2001:

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the II Additional District Judge, Tiruchirappalli dated 08.12.1998 made in Appeal Suit No.76 of 1998 reversing the judgment and decree of the Subordinate Court, Kulithalai, dated 30.09.1997 made in Original Suit No.83 of 1997.

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.H.Arumugam, Advocate for the Petitioner this Court made the following order:

Being satisfied with the reason stated in the affidavits filed in support of these petitions, these petitions stand allowed.

2. The Registry is directed to restore the Civil Miscellaneous Petitions.

Sd/-

Assistant Registrar (C.S. II)

// True Copy //

/ /2025

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



CMP(MD). No.14384 to 14387,14389,14392 to 14396.

To **मेव जयते**

WEB COPY

1.The II Additional District Judge,
Tiruchirappalli.

2.The Subordinate Judge, Kulithalai.

Copy to:

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



WEB COPY



CMP(MD). No.14384 to 14387,14389,14392 to 14396,

ORDER DATED : 29/08/2025

=====
ORDER
=====

CMP(MD). Nos.14384 to 14387,
14389,14392 to 14396,14399
and 14401 of 2025
in

SA Nos.807 to 809 of 2001

Giving direction and etc.
as stated within.

SB/10.09.2025/9P/4C

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