

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

Thursday, the Twenty Third day of December Two Thousand and Twenty One

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PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

C.M.P (MD)Nos.10964,10967 and 10969 of 2021
in
S.A. (MD)No.436 of 2011

1 C.N.KUMARASAMY (DIED)
2 K.RAJKUMARI
3 SENTHIL KUMAR

... PETITIONERS/ APPELLANTS
IN ALL THE PETITIONS

Vs

1 S.SHANMUGAM (DIED)
2.C.STALIN
3 MAHESWARI
4 PUSHPALATHA

... RESPONDENTS / RESPONDENTS
IN ALL THE PETITIONS

... RESPONDENTS 3 & 4 /
PROPOSED RESPONDENTS 3 & 4
IN ALL THE PETITIONS

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 359 days in filing petition to set aside abatement caused by the death of 1st respondent namely S.Shanmugam on 17.07.2020.

Prayer in CMP(MD). 10967/ 2021 :

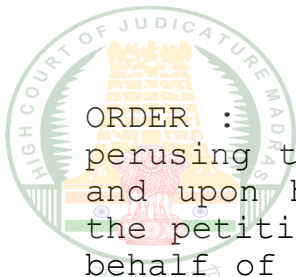
To set aside the abatement caused by the death of 1st respondent namely S.Shanmugam on 17.07.2020.

Prayer in CMP(MD). 10969/ 2021 :

Pleased to bring on record the respondents 3 and 4 legal representatives of 1st respondent namely S.Shanmugam who died on 17.07.2020 as respondents 3 and 4 in the above Second Appeal in SA (MD)No.436 of 2011.

Prayer in S.A.(MD)No.436 of 2011:

To set aside the decree and judgment dated 11.08.09 made in A.S.No.97/03 on the file of the Principal District Court, Pudukkottai, confirming the Judgment and decree dated 18.09.03 in O.S.No.182/1999 on the file of the District Munsif Court, Aranthangi and dismiss the suit by allowing the Second Appeal.



ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.N.BALAKRISHNAN, Advocate for the petitioner in all the petitions and of MR.B.ROOBAN, Advocate on behalf of the Respondents in all the petitions, the court made the following order:-

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These applications have been filed to condone the delay of 359 days in filing the petition to set aside the abatement caused by the death of 1st respondent namely S. Shanmugam on 17.07.2020 and to set aside the abatement caused by the death of the 1st respondent namely S.Shanmugam on 17.07.2020 and to bring on record the respondents 3 and 4 as legal representatives of the 1st respondent namely S.Shanmugam who died on 17.07.2020 as respondents 3 and 4 in the above second appeal.

2.Heard the learned counsel appearing on either side and persued the materials placed before this Court.

3. In order to give effective justice in the second appeal, it is just and necessary that the legal representatives should be brought on record in this Second Appeal. Consequently, these applications are allowed on condition that the Petitioners pay a sum of Rs.1000/-(Rupees One thousand only) as costs to the Government Higher Secondary School, Y. Othakadai, Madurai, (Current Account No.10968750674, State Bank of India, Tallakulam Branch, IFSC Code No.SBIN0000253) within a period of one week 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.

sd/-
23/12/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
1 THE PRINCIPAL DISTRICT JUDGE, PUDUKKOTTAI.
2 THE DISTRICT MUNSIF, ARANTHANGI.
COPY TO:
THE OFFICER INCHARGE,
GOVERNMENT HIGHER SECONDARY SCHOOL,
Y.OTHAKADAI, MADURAI.

ORDER IN
C.M.P(MD)Nos.10964,10967 and
10969 of 2021

in
S.A.(MD)No.436 of 2011
Date :23/12/2021