



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

Thursday, the Eighth day of September Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD) Nos.5235 to 5237 of 2016
IN
SA No.1251 of 2003

PARAMESWARAN PILLAI (DIED)

... 2nd APPELLANT IN S.A

1 PARVATHI
2 P.SIVALAKSHMI

...PETITIONERS/
PROPOSED APPELLANTS No.3&4
& LRs OF THE 2nd APPELLANT IN SA

Vs

1 CHELLAMMAL

...1st RESPONDENT/1st APPELLANT

2 THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
(ADM) DEPARTMENT, CHENNAI-34.

3 THE EXECUTIVE OFFICER
A/M. BALASUMANIASAMY KOIL,
FORT PADMANABHAPURAM,
KANYAKUMARI DISTRICT.

... 2nd and 3rd RESPONDENTS

Prayer in CMP(MD). 5235/ 2016 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 2406 days in filing the petition to set aside the abatment caused due to the death of the 2nd appellant (Parameswaran Pillai) in SA.No.1251/2003 and thus render justice.

Prayer in CMP(MD). 5236/ 2016 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the abatment caused due to the death of the 2nd appellant (Parameswaran Pillai) in SA.No.1251/2003 and thus render justice.

Prayer in CMP(MD). 5237/ 2016 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to bring the legal heirs of the deceased 2nd appellant (Parameswaran Pillai) i.e., the petitioners herein, on record in the appeal and



rank them as appellant 3 and 4 in SA.No.1251/2003 and thus render justice.

PRAYER IN SA(MD)No.1251 OF 2003:

The second appeal against the judgment and decree dated 19.11.2002 in A.S.No.138/1996 passed by the Subordinate Judge, Padmanabhapuram confirming the Judgment and Decree dated 25.06.1996 in O.S.No.304/1996 of the Additional District Munsif Court, Padmanabhapuram.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. R.MURUGAN, Advocate for the petitioner and the court made the following order:-

The petition in C.M.P.(MD)No.5235 of 2016 is filed to condone the delay of 2406 days in filing the petition to set aside the abatement caused due to the death of the 2nd respondent in S.A.(MD)No.1251 of 2003.

2. Having satisfied with the reasons stated in paragraph No.4 of the affidavit filed in support of this petition, the delay is condoned on condition that the petitioners shall deposit a sum of Rs.5,000/- (Rupees five thousand only) to the respondents or to their counsel either by cash or by way of Demand Draft within a period of two weeks from the date of receipt of a copy of this order. This petition is ordered accordingly.

3. In view of the order passed in this petition, the petitions in C.M.P.(MD)Nos. 5236 and 5237 of 2016 are also allowed.

sd/-

08/09/2016

/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE, PADMANABHAPURAM

2 THE ADDITIONAL DISTRICT MUNSIF, PADMANABHAPURAM

+1 CC to Mr.R.MURUGAN, Advocate, SR No.50965

ORDER IN

CMP(MD) Nos.5235 to 5237/2016

IN

SA No.1251 of 2003

Date :08/09/2016

nbj