



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

Tuesday, the Third day of April Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.RAVICHANDRABAABU

CMP (MD) No.683 of 2018

IN

SA No.694 of 1996

1 PONNUSAMI THEVAR (DIED)
2) CHELLAMMAL,
3 SATHYASEELAN
4 AANANDAN
ARASAPPILLAIPATTI VILLAGE,
PALANI TALUK,
DINDIGUL DISTRICT.

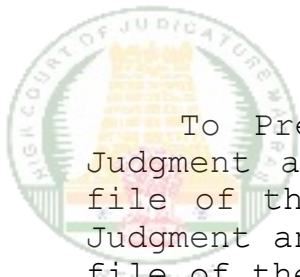
... PETITIONERS/L.RS.OF
THE DECEASED APPELLANT

Vs

1 P.KULANTHAI GURUKKAL (DIED)
2 P.DHANDAPANI GURUKKAL (DIED)
3 P.PONNUSAMY GURUKKAL (DIED)
4 KRISHNASWAMI
5 SAKTHIVEL
6 P. KARUPPUSAMY
7 C. LAKSHMIPATHIRAJ
8 L. NATARAJAN,
9 P. VISWAMOORTHY KURUKKAL
10 SHANMUGAM
11 UMA MAHESWARI
12 LALITHA
13 NAGARATHINAM
14 R. NITHYANANDHAM
15 R. GOWREESWARI
16 GANESAN
17 SUBRAMANIAN
18 RAJESWARI
19 SAVITHRI

... RESPONDENTS/RESPONDENTS

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 1141 days in representing the above Miscellaneous Petition and thus render justice.



To Prefer the above Memorandum of Second Appeal against the Judgment and decree dated 29.03.1996 made in A.S.No.133/93 on the file of the Principal Subordinate Judge Dindigul in confirming the Judgment and decree dated 19.12.1990 made in O.S. No.899/1993 on the file of the District Munsif Court, Palani.

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.G.MOHANKUMAR, Advocate for the petitioner MR.M.SRIRAM, Advocate for the Respondent No.4 the court made the following order:-

This miscellaneous petition is filed to condone the delay of 1141 days in re-presenting the Miscellaneous Petition filed to bring the legal representative of the deceased sole appellant.

2.Heard both sides.

3.It is seen that the sole appellant died on 11.06.2014 leaving behind these petitioners as his legal heirs and that they filed application on 03.11.2014 itself to set aside the abatement and bring on record themselves as legal heirs of the sole appellant. It is further seen that the papers were returned by the Registry on 26.11.2014 for the purpose of furnishing the death certificate and legal heir certificate. However, the applications were not re-presented immediately and on the other hand, they were re-presented however with the delay of 1141 days.

4.The reasons stated for the delay is that the petitioners had misplaced the death certificate and legal heir certificate due to the old age of the first petitioner.

5.Considering the above stated facts and circumstances and also considering the fact that the LR applications were filed within time and they are only sought to be re-presented with the delay, and also considering the length of delay, this Court is of the view that these petitions may be allowed by imposing certain terms on the petitioners. Accordingly, these petitions are allowed subject to the condition that the petitioners shall pay a sum of Rs.1000/- (Rupees one thousand only) to the Legal Services Authority of this Court, within a period of seven days from the date of receipt of a copy of this order.

sd/-
03/04/2018

/ TRUE COPY /

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



SKN
TO

1 THE PRINCIPAL SUBORDINATE JUDGE, DINDIGUL

2 THE DISTRICT MUNSIF, PALANI

COPY TO : THE AUTHORISED OFFICER,
LEGAL SERVICES AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

GJM/CM/VR/SAR-4-5.4.18-3P-4C

ORDER
IN
CMP (MD) No.683 of 2018
IN
SA No.694 of 1996
Date :03/04/2018