



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

Wednesday, the Twenty Fourth day of April Two Thousand Nineteen

PRESENT

**The Hon`ble Mrs.Justice J.NISHA BANU**

CMP(MD) No.4286 of 2019  
IN  
SA(MD) No.SR36728 of 2017

1 ARUMUGAM  
2 KANAGASABAPATHI

INDIRA (DIED)

3 USHA  
4 PARVATHI @ MALLIKA  
5 BAGAVATHI MEENA KUMAR  
6 RAM SRI KANAGASABAPATHI  
7 PARVATHA RAJA VARDHINI

... PETITIONERS/APPELLANTS

Vs

1 RAMASUBBAMMAL  
2 THIRUVARIYAN,  
3 ARUMUGAM S/O.SUBBAIAH KARAIYALAR  
4 SIVARAMAN  
5 ARUMUGAM S/O MEENAKSHI SUNDARAM  
6 M.RAJ  
7 HARIHARAN  
8 GOMATHI  
9 KRISHNAVENI  
10 LATHA  
11 ANDIYAPPAN  
12 SOMASUNDARA VIDHYA

SUBBULAKSHMI (DIED)

13 VENKATESWARI  
14 RAMASUBBU  
15 ARUMUGATHAMMAL  
16 PETCHIAMMAL  
17 KANAGA SABAPATHY  
18 RAJASEKARAN  
19 MINOR SATHYA SAI ARAVINDINI  
20 MINOR MUTHU RAJA GOPAL

... RESPONDENTS/ RESPONDENTS

( MINOR RESPONDENTS 19 &20 REPRESENTED  
THROUGH THEIR GUARDIAN 17TH RESPONDENT )



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 578 days in representing the above SA.SR.No.36728 of 2017.

**PRAYER IN SA(MD) No.SR36728 of 2017:**

To set aside the judgment and decree dated 10.02.2017 passed in A.S.No.20 of 2012 on the file of Principal District Judge, Tirunelveli confirming the judgment and decree dated 12.07.2010 passed in O.S.No.46 of 2004 on the file of Additional Sub-Court, Tenkasi.

**ORDER :** This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.M.P.SENTHIL, Advocate for the petitioner, the court made the following order:-

This petition has been filed by the petitioners seeking to condone the delay of 578 days in representing the above appeal.

2.Considering the reasons stated in the affidavit filed in support of the petition and also considering the length of delay, this Court is inclined to condone the delay subject to the payment of cost of Rs.2,500/-.(Rupees two thousand and five hundred only) to the Chief Justice Relief Fund, attached to this Bench, within a period of one week from the date of receipt of copy of this order, failing which this petition shall stand dismissed automatically without any further reference to this Court.

3.This petition is accordingly ordered.

4. It is represented by the learned counsel for the petitioner that he is ready to pay the cost even today. In the event of payment of cost, the Registry is directed to number the appeal if it is otherwise in order and list the same "for admission" on or before 26.04.2019.

sd/-  
24/04/2019

/ TRUE COPY /

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



TO

1. THE PRINCIPAL DISTRICT JUDGE,  
TIRUNELVELI.

2. THE ADDITIONAL SUBORDINATE JUDGE,  
TENKASI.

**COPY TO:**

1. THE SECTION OFFICER, (THE CHIEF JUSTICE RELIEF FUND)  
ACCOUNTS SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2. THE SUB ASSISTANT REGISTRAR, AE SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CMP (MD) No.4286 of 2019  
IN  
SA (MD) No.SR36728 of 2017  
Date :24/04/2019

TK/PN/SAR-1/24.04.2019/3P/5C