



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

Friday, the Seventh day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.4571 of 2019
IN
SA(MD) No.234 of 2009

1 VELLIMALAI
2 RAMALINGAM
3 SUBBI NAICKER (DIED)

JOTHAPPA NACIKER (DIED)

4 BOMMUTHAYAMMAL
5 VEERACHINNAMMAL ...PETITIONERS 1-5/APPELLANTS 1-5

6 KUPPUSAMY NAICKER ...6TH PETITIONER/PROPOSED 6TH APPELLANT
(L.R. OF 3RD APPELLANT

Vs

KUMARASAMY ... RESPONDENT/ 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 1323 days in filing the petition to set aside the abatement caused due to the death of Subbi Naicker, the 3rd appellant in the above Second Appeal and thus render justice.

Prayer in SA(MD). 234/ 2009 :

To set aside the Judgment and decree dated 18.12.2008 passed in A.S.114 of 2004 on the file of the Principal Subordinate Court, Dindigul, as confirming the Judgment and decree dated 25.02.2003 passed in O.S.121 of 2002 on the file of the II Additional District Munsif Court, Dindigul, and to allow the present Second Appeal and thus render justice.

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.R.NANDAKUMAR, Advocate for the petitioners, the court made the following order:-

The reasons stated in the affidavit filed in support of this petition, are satisfactory and accordingly, this petition is allowed and the delay of 1323 days is condoned on payment of



Rs.1,500/- (Rupees One Thousand Five Hundred only) to the respondent's counsel on or before 14.06.2019 failing which, this petition shall stand dismissed automatically, without further reference to this Court. The Registry is directed to make necessary amendment in the second appeal.

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sd/-
07/06/2019

/ TRUE COPY /

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

TO

- 1.THE PRINCIPAL SUBORDINATE JUDGE,
DINDIGUL.
- 2.THE II ADDITIONAL DISTRICT MUNSIF,
DINDIGUL.

COPY TO:

THE SECTION OFFICER, JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP (MD) No.4571 of 2019
IN
SA (MD) No.234 of 2009
Date :07/06/2019

TK/MMS/SAR-2/12.06.2019/2P/4C