



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

Wednesday, the Third day of July Two Thousand Nineteen

WEB COPY

PRESENT

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

C.M.P(MD)Nos.5847 to 5849 of 2019

IN

CRP(MD) No.350 of 2009

- | | |
|-----------------------------|--|
| 1 DAVID PITCHUMANI (DIED) | ... FIRST PETITIONER
IN ALL THE PETITIONS |
| 2 JEYA ROSE ANNATHAI (DIED) | ... SECOND PETITIONER
IN ALL THE PETITIONS |
| 3 NAVAMANI ARPUTHARAJ | ... PETITIONER/ PROPOSED PARTY
IN ALL THE PETITIONS |

Vs

THE COMMISSIONER,
TIRUNELVELI CITY MUNICIPAL CORPORATION,
S.N.HIGH ROAD,
TIRUNELVELI 627 001.

... RESPONDENT/ RESPONDENT
IN ALL THE PETITIONS

Prayer C.M.P(MD)No.5847 of 2019:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order condoning the delay of 2190 days caused due to the death of the second petitioner, Jeya Rose Annathai and thus render justice.

Prayer in CMP(MD) . 5848/ 2019 :

Pleased to pass an order setting aside abatement caused due to the death of the second petitioner in civil revision petition, Jeya Rose Annathai and thus render justice.

Prayer in CMP(MD) . 5849/ 2019 :

Pleased to pass an order bringing the petitioner herein / proposed party as the legal representative of the deceased second petitioner and rank him as the third petitioner in the Civil Revision Petition and thus render justice.

Prayer in CRP(MD) . 350/ 2009 :

To call for records and set aside the order or dismissal dated 22.01.2009 passed in the application for condonation of delay of 335 days in IA.239/2008 in TA.No. of 2008 by the Taxation Appeal



Tribunal, Thirunelveli and thereby allow the same and pass such other further orders as may be deemed fit and proper in the circumstances of the case and thus render justice.

ORDER: These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.J.BARATHAN, Advocate for the petitioner in all the petitions and of Mr.AAYIRAM K.SELVAKUMAR, Advocate for the respondent in all the petitions, the court made the following order:-

These petitions are filed

a)to condone the delay of 2190 days in filing the petition to set aside the abatement caused due to the death of second petitioner in the above revision petition;

b)to set aside the abatement caused due to the death of second petitioner in the above revision petition; and

c)to bring on record the petitioner herein as legal heir of deceased second petitioner and rank them as third petitioner in the above revision petition.

2.In the affidavit filed in support of these petitions, the petitioner has given sufficient reasons for the delay. Though the explanation offered by the petitioner is convincing, this Court is of the view that the delay could have been avoided, if the petitioner has diligently prosecuted the case without any delay.

3.In such circumstances, this Court is inclined to allow these petitions on terms. Accordingly, these petitions are allowed on condition that the petitioner pay a sum of Rs.2,000/- to the credit of Legal Aid Service Authority, attached to this Court within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition shall automatically be dismissed without further reference to Court. The Legal Aid Service Authority is directed to utilise the said amount for the purpose of planting and maintaining the trees within the campus of Madurai Bench of Madras High Court, as per direction of Environmental Committee of this Bench.

4.Registry is directed to carry out necessary amendments.

sd/-

03/07/2019

/ TRUE COPY /



TO

THE TAXATION APPEAL TRIBUNAL,
THIRUNELVELI.

COPY TO:

THE OFFICER INCHARGE,
LEGAL AID SERVICE AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
C.M.P(MD) Nos.5847 to 5849 of 2019
IN CRP(MD) No.350 of 2009
Date :03/07/2019

MS/PN/SAR-2/10.07.2019/3P.3C