



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

Tuesday, the Eleventh day of June Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CMP(MD) Nos.785 to 787 of 2019
in S.A (MD)No.104 of 2012

A.MURUGESAN

... PETITIONER/ APPELLANT
IN ALL THE PETITIONS

Vs

1 S.APPPAVOO (DIED)

2 A.PALANICHAMY

3 A.SBURAMANIAN

4 A.VELUCHAMY

5 A.CHINNACHAMY

... RESPONDENTS 1 TO 5/ RESPONDENTS 1 TO 5
IN ALL THE PETITIONS

6 A.KRISHNAN

7 A.PRABHAKARAN

8 MALATHI

... PROPOSED RESPONDENTS NOS.6 TO 8/
LEGAL HEIR OF DECEASED 1st RESPONDENT
IN ALL THE PETITIONS

PRAYER IN CMP(MD) No.785 of 2019 :

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 2089 days in filing the petition for bringing the legal heirs of the deceased 1st respondent in the above second appeal SA(MD)No.104 of 2012 and thus render justice.

Prayer in CMP(MD) . 786/ 2019 :

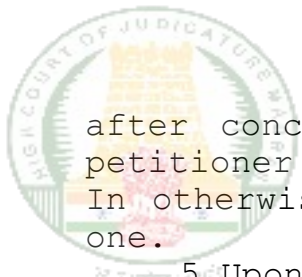
Pleased to pass suitable orders to set aside of the abatement caused due to the death of the 1st respondent and pass such further, order or other orders as this Hon'ble Court may deem fit and proper in the case and thus render justice.

Prayer in CMP(MD) . 787/ 2019 :

Pleased to bring on record the proposed respondents 6 to 8 herein as the legal heirs of the deceased 1st respondent in the above SA(MD)No.104 of 2012 and rank them as respondents 6 to 8 and pass such further order or other orders as this Hon'ble Court may deem fit and proper in the case and thus render justice.

Prayer in SA(MD) . 104/ 2012 :

To set aside the judgment and decree dated 11.11.2010 in A.S.No.7 of 2009 on the file of Additional Subordinate Judge, Fast Track Court, Dindigul confirming the Judgement and Decree dated



after concurrent findings in favour of the first respondent, the petitioner aggrieved over the decision, filed the second appeal. In otherwise, the reason stated by the petitioner is not a genuine one.

5. Upon considering the arguments advanced on either side, it is true that C.M.P(MD) No.785 of 2019 has been filed to condone the delay of 2089 days in filing the application to set aside the abatement caused due to the death of the first respondent. The said delay is not a ordinary one. Further, the reason stated by the petitioner for the said delay is not a convinced one and the reason stated by the petitioner is not supported through the substantial documents. However, as per the averments made in the counter, this appeal is preferred in respect to the title of property, which was purchased by the first respondent. So being the legal heirs of the first respondent, their contention in respect to the purchase of suit property by their father, is necessary. On the way, for better adjudication of the second appeal, it is necessary for this Court to here the case of R-6 to R-8.

6. On the other hand, if the application is dismissed it will cause much prejudice to the respondents 6 to 8 more than that of the petitioner. However, since the delay is a huge one, I am of the considered opinion that all the applications herein have to be allowed subject to the condition.

7. In the result, these petitions are allowed subject to the condition that the petitioner shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of the Hon'ble Chief Justice Relief Fund, Madurai Bench of Madras High Court, Madurai, within a period of 10 days from today.

sd/-
11/06/2019

/ TRUE COPY /

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

TO

1 THE ADDITIONAL SUBORDINATE JUDGE,
FAST TRACK COURT, DINDIGUL

2 THE PRINCIPAL SUBORDINATE JUDGE, DINDIGUL.

COPY TO: THE SECTION OFFICER, (the Hon'ble Chief Justice Relief Fund)
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr.T.ANTONY ARUL RAJ Advocate SR.No.9534

ORDER IN
CMP(MD) Nos.785 to 787 of 2019
in S.A (MD)No.104 of 2012
Date :11/06/2019