



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

Tuesday, the Sixth day of August Two Thousand Nineteen
PRESENT

The Hon`ble Mrs.Justice R.THARANI

WEB COPY

CMP(MD) No.5792 of 2019

IN

SA(MD) No.87 of 2009

1 SUNDARAPANDIAN,
2 ATHMANATHAN,

... PETITIONERS/APPELLANTS

Vs

1 NACHIAR AMMAL (DIED),
2 MANGALESWARI,
3 SIVAGUNAM,
4 YOGAMBAL (DIED),
5 ESWARI,
6 SHANMUGASUNDARAM,
7 SATHYABAMA,
8 SHANMUGAM,
9 SUMATHI,

...RESPONDENTS 1 TO 6/RESPONDENTS 1-6

.. RESPONDENTS 7-9/LRS OF THE DECEASED 1ST
RESPONDENT

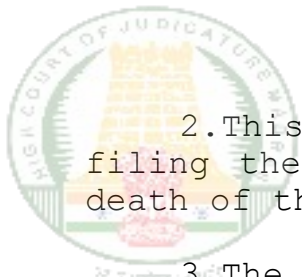
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 1220 days in filing the application to set aside abatement caused due to the demise of the 1st respondent.

PRAYER IN SA(MD) No.87 of 2009

To prefer this Memorandum Grounds of Second appeal before this Hon'ble Court against the judgment and decree dated 22.08.2007 passed in A.S.No.11 of 2007 on the file of the Subordinate Judge, Ramanathapuram, reversing the judgment and decree in O.S.No.199 of 2004 dated 26.09.2006. on the file of the Principal District Munisif Ramanathapuram .

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.V.RAMAKRISHNAN, Advocate for the petitioner the court made the following order:-

The learned counsel for the petitioners and the learned counsel for the fifth respondent are present. Already names of the respondents 2, 3 and 7 to 9 were printed. There is no representation on behalf of the sixth respondent.



2.This petition is filed to condone the delay of 1220 days in filing the petition to set aside the abatement caused due to the death of the first respondent in the above Second Appeal.

3.The reasons stated in the affidavit filed in support of this petition, are satisfactory.

4.The learned counsel for the fifth respondent has no serious objection.

5.This petition is only to condone the delay for impleading the legal heirs of the deceased first respondent, legal heirs of the first respondent are necessary parties. Hence, this petition is allowed and, the delay is condoned on condition that the petitioner shall pay a sum of Rs.750/- (Rupees Seven Hundred and Fifty only) to the credit of the "District Siddha Medical Officer, CCRI, Periyakulam" (payable in Account No.10767823177, SBI, Periyakulam), on or before 14.08.2019.

6.Call on 21.08.2019 "for reporting compliance".

sd/-
06/08/2019

/ TRUE COPY /

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

TO

1 SUBORDINATE JUDGE, RAMANATHAPURAM

2 THE PRINCIPAL DISTRICT MUNISIF RAMANATHAPURAM

COPY TO

THE DISTRICT SIDDHA MEDICAL OFFICE,
CCRI, PERIYAKULAM

ORDER
IN
CMP(MD) No.5792 of 2019
IN
SA(MD) No.87 of 2009
Date :06/08/2019