



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

Friday, the Twenty Eighth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) Nos.6994 to 6996 of 2018

IN

CRP(MD) No.2441 of 2015

ÀCHAMMAL @ SAROJA AMMAL

... PETITIONER/PETITIONER
IN ALL PETITIONS

Vs

1 SARASWATHI

2 JEGANATHAN (DIED)

3 RAJALAKSHMI

... RESPONDENTS/RESPONDENTS

4 GENGADEVI,

5 GENGARAGAVAN,

6 MINOR SATHEESH KUMAR

(REP. BY HER MOTHER AND NATURAL GUARDIAN

THE 4TH RESPONDENT HEREIN)

... RESPONDENTS NO.4 TO 6/
LRS OF DECEASED 2ND RESPONDENT
IN ALL PETITIONS

Prayer in CMP(MD). 6994/ 2018 IN CRP(MD).NO.2441 OF 2015 :

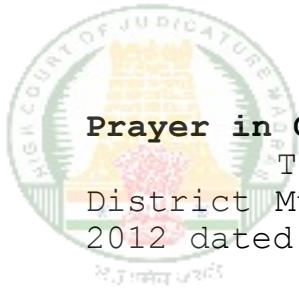
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 382 days in filing the application to set aside the abatement and bring on record the LRs of the deceased 2nd Respondent in CRP(MD) No.2441 of 2015 and thus render justice

Prayer in CMP(MD). 6995/ 2018 IN CRP(MD).NO.2441 OF 2015 :

To set aside the abatement caused due to the death of the 2nd Respondent namely Jeganathan in CRP(MD) (NPD) No.2441 of 2017 and thus render justice.

Prayer in CMP(MD). 6996/ 2018 IN CRP(MD).NO.2441 OF 2015 :

Pleased to bring on record the Respondents No.4 to 6 herein as legal heirs of the deceased 2nd Respondent namely jegannathan and implead them as Respondents No.4 to 6 in CRP(MD) No.2441 of 2015



Prayer in CRP(MD) . 2441/ 2015 :

To call for the entire records on the file of the Learned District Munsif, Srivaikundam in I.A.No.194 of 2015 in O.S.No.46 of 2012 dated 15.07.2015.

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. P.PETHU RAJESH, Advocate for the petitioner in all petitions and of MR.D.VENKATESH, Advocate on behalf of the Respondents in all petitions, the court made the following order:-

C.M.P(MD)No.6994 of 2018 has been filed by the petitioner seeking to condone the delay of 382 days in filing a petition to set aside the abatement caused due to the death of second respondent in the above revision petition.

2.C.M.P(MD)No.6995 of 2018 has been filed by the petitioner seeking to set aside the abatement caused due to the death of the second respondent in the above revision petition.

3.C.M.P(MD)No.6996 of 2018 has been filed by the petitioner seeking to bring on record the respondents 4 to 6 therein, as the legal heirs of the second respondent in the above revision petition.

4.The learned counsel for the respondents 1 to 3 does not have any objection for allowing these petitions.

5.Considering the reasons stated in the affidavits filed in support of the petitions and also considering the length of delay, this Court is inclined to allow these petitions subject to the payment of cost of Rs.1,000/- (Rupees one thousand only only) to the Legal Services Committee, attached to this Bench within a period of one week from the date of receipt of copy of this order, failing which these petitions shall stand dismissed automatically without any further reference to this Court.

6.These petitions are accordingly ordered.

7.In the event of payment of cost, Registry is directed to carry out necessary amendment in the main revision petition.

sd/-
28/06/2019

/ TRUE COPY /

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



TO

THE DISTRICT MUNSIF, SRIVAİKUNDAM.

COPY TO:

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

ORDER

IN

CMP (MD) Nos.6994 to 6996 of 2018

IN

CRP (MD) No.2441 of 2015

Date :28/06/2019

AE/VR/SAR-III (10.07.2019) 3P 3C