



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

Thursday, the Nineteenth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP (MD) No.7213 TO 7215 of 2019
IN
SA No.1644 of 2001

1 KRISHNAN

MUTHIAH (DIED)

ANTONY AMMAL (DIED)

2 ANTONY ANNASAMY,

3 ALANGARAM,

4 ANGEL MARY,

5 MANORANJITHAM,

6 CHANDRASEKAR,

7 RAJESH,

8 VANITHA,

... PETITIONERS IN ALL THE PETITIONS

Vs

UMMU HABIBA (DIED)

1S.SHAHUL HAMEED,,

2 S.PEER PATHU,

3 S.MOHAMMED ABDULLAH,

4 S.AHAMED SALI,

5 S.ABDUL WAHAB,

... RESPONDENTS IN ALL THE PETITIONS



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 4284 days in Filing the petition To set aside the abatement caused due to the death of the 2nd Appellant in the above S.A.No.1644 of 2001.

Prayer in CMP(MD). 7214/ 2019 :

To set aside the abatement caused due to the death of the 2nd Appellant in the above S.A.No.1644 of 2001.

Prayer in CMP(MD). 7215/ 2019 :

To bring on record the Petitioners 5 to 8 herein, who are the legal representatives of the deceased 2nd Appellant namely Muthiah and rank them as Appellants 7 to 10 in the above S.A.No.1644 of 2001.

Prayer in SA(MD).1644 of 2001:

pleased to allow this appeal by setting aside the decree and judgment of the Principal District Court Tirunelveli made in A.S.No.56 of 1999 dated 21.12.2000 and the judgment and decree of the 1st Additional Disrict munsif court, tirunelveli made in O.S.No.504/95 dated 17.12.1998.

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.C.VAKEESWARAN, Advocate for the petitioner and of MR.M.P.SENTHIL, Advocate on behalf of the Respondents the court made the following order:-

C.M.P(MD)No.7213 of 2019 has been filed by the petitioners seeking to condone the delay of 4284 days in filing a petition to set aside the abatement caused due to the death of the 2nd appellant in the above second appeal.

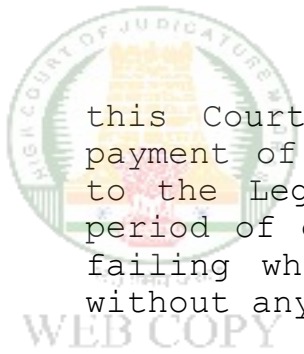
2.C.M.P(MD)No.7214 of 2019 has been filed by the petitioners seeking to set aside the abatement caused due to the death of the 2nd appellant in the above second appeal.

3.C.M.P(MD)No.7215 of 2019 has been filed by the petitioners seeking to bring on record the petitioners 5 to 8 therein, as the legal heirs of the deceased 2nd appellant in the above second appeal.

4.Heard the learned counsel appearing for both sides.

5.The learned counsel for the respondent does not have any objection for allowing the petitions.

6.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.750/- (Rupees seven hundred and fifty 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.

7. These petitions are accordingly ordered.

8. The Registry is directed to carry out necessary amendment in the main second appeal.

sd/-
19/09/2019

/ TRUE COPY /

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

TO

1 THE PRINCIPAL DISTRICT JUDGE,
TIRUNELVELI.

2 THE 1st ADDITIONAL DISTRICT MUNSIF,
TIRUNELVELI.

Copy to
THE OFFICER INCHARGE,
LEGAL SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.C.VAKEESWARAN Advocate SR.No.16041

ORDER
IN
CMP (MD) No.7213 to 7215 of 2019
IN
SA No.1644 of 2001
Date :19/09/2019

TR/PN/SAR-I (15.10.2019) 3P 5C