



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

Friday, the Seventh day of June Two Thousand Nineteen

PRESENT

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

CMP(MD) Nos.11514 to 11516 of 2018
IN
SA(MD) No.4 of 2015

1 KANDAVEL
2 SIVAN
3 MAYANDI THEVAR (DIED)

... PETITIONERS/APPELLANTS
IN ALL THE PETITIONS

Vs

1.GURUMOORTHY

... 1ST RESPONDENT/RESPONDENT

2 AMMA PILLAI
3 SIVAN
4 MURUGESAN

... RESPONDENTS 2 TO 4/PROPOSED
RESPONDENTS 2 TO 4/LRs of
DECEASED 3RD APPELLANT
IN ALL THE PETITIONS

Prayer in CMP(MD) . 11515/ 2018 IN SA(MD) No.4 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 1299 days in filing the petition to set aside the abatement caused due to the death of the deceased 3rd Appellant in S.A.No.4 / 2015 and thus render justice.

Prayer in CMP(MD) . 11515/ 2018 IN SA(MD) No.4 of 2015 :

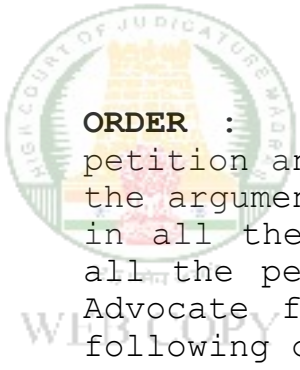
Pleased to set aside the abatement caused due to the death of the deceased 3rd Appellant in S.A.No.4 / 2015 and thus render justice.

Prayer in CMP(MD) . 11516/ 2018 IN SA(MD) No.4 of 2015:

Pleased to bring on record of the proposed respondents 2 to 4 herein as legal representatives of the deceased 3rd Appellant and rank them as respondents 2 to 4 in S.A.No.4 / 2015 and thus render justice.

Prayer in SA(MD) . 4/ 2015 :

To allow the Second Appeal and set aside the Judgment and Decree passed in A.S.No.11 of 2012 dated 09.07.2014 on the file of II Additional Subordinate Judge, Madurai, confirming the Judgment and Decree passed in O.S.No.480 of 2008 dated 03.06.2011 on the file of District Munsif Court, Thirumangalam and thus render justice.



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.PT.S.NARENDRAVASAN, Advocate for the petitioners in all the petitions, and Mr.H.HAJA MOHIDEEN, Advocate for R1 in all the petitions, and of No Appearance either in person or by an Advocate for R2 to R4 in all the petitions, the court made the following order:-

Despite notice being served to the respondents, the respondents are not represented by any Advocate. Though the names of the respondents are printed in the cause list, no one has appeared before this Court.

2.These petitions are filed to condone the delay of 1299 days in filing the petition to set aside the abatement caused due to the death of deceased third appellant, to set aside the abatement caused due to the death of deceased third appellant and to bring on record the legal representatives of the deceased third appellant.

3.Though the delay is inordinate, the petitioner has given sufficient reasons for the delay and the delay has been satisfactorily explained. Hence, these petitions are allowed on condition that the petitioner pay a sum of Rs.2,000/- to the Legal Services Authority, Madurai Bench of Madras High Court, Madurai within a period of two weeks from today (i.e., 07.06.2019), failing which, these petitions are dismissed automatically without any reference to this Court.

sd/-
07/06/2019

/ TRUE COPY /

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

TO

- 1.THE 2ND ADDITIONAL SUBORDINATE JUDGE, MADURAI.
- 2.THE DISTRICT MUNIF, THIRUMANGALAM.

COPY TO:

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

ORDER IN
CMP(MD) Nos.11514 to 11516 of
2018 IN
SA(MD) No.4 of 2015
Date :07/06/2019