



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

Tuesday, the Seventeenth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.7566 to 7568 of 2019

IN

SA No.2043 of 2001

1 BALASUBRAMANIAN (DIED)

2. PANDARINATHAN,

3 MARIMUTHU

4 RADHAKRISHNAN

5 SUNDARESAN

6 SELVAGANESH

7 THANGA GURUVAMMAL

... PETITIONERS/APPELLANTS

Vs

1 PAULRAJAN (DIED)

2 MANORANJITHAM

3 P.PONMARIMUTHU

4 U.MEENAKSHI

5 D.VIJAYALAKSHMI

6 P.SARAVANAMOORTHY

... RESPONDENTS/PROPOSED RESPONDENTS

PRAYER IN CMP(MD) No.7566 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 1779 days in filing the petition to set aside the abatement caused due to the death of the sole respondent in the above SA No.2043 of 2001.

PRAYER IN CMP(MD) No.7567 of 2019:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the abatement caused due to the death of the sole



respondent in the above SA No.2043 of 2001.

PRAYER IN CMP(MD) No.7568 of 2019:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to bring on record the proposed respondents 2 to 6 being the legal heirs of the deceased sole respondent as respondents 2 to 6 in the above SA No.2043 of 2001.

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.S.KADARKARAI, Advocate for the petitioner the court made the following order:-

These petitions have been filed by the petitioners seeking to condone the delay of 1779 days in filing a petition to set aside the abatement caused due to the death of sole respondent, to set aside the abatement and to bring on record the legal heirs of the sole respondents as respondents 2 to 6 in the appeal.

2. The learned counsel appearing for the respondents has no objection in allowing this petition.

3. In view of the above and also considering the length of delay, this Court is inclined to allow these petitions subject to the payment of cost of Rs.2,000/- (Rupees two thousand 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 automatically dismissed without any further reference to this Court.

4. These petitions are accordingly ordered.

sd/-

17/09/2019

/ TRUE COPY /

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



TO

1 THE SUB COURT,
SRIVILLIPUTTUR.

2 THE PRINCIPAL DISTRICT MUNSIF COURT,
SRIVILLIPUTTUR.

3 THE OFFICER INCHARGE,
LEGAL SERVICE COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP (MD) No.7566 of 2019
IN
SA No.2043 of 2001
Date :17/09/2019

TR/JC/SAR-I (20.09.2019) 3P 4C