



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the Twenty First day of August Two Thousand and Twenty

PRESENT

The Hon'ble Mrs.Justice J.NISHA BANU

CMP(MD) No.3096 of 2019

IN

SA(MD) No.341 of 2013

1. SAROJINI AMMAL (DIED)
2. RAJENDRAN (DIED)
3. RAVI

... PETITIONERS 1-3/
APPELLANTS 1-3

4. MEENAKUMARI

... 4th PETITIONER/
PROPOSED 4th APPELLANT
LEGAL HEIR OF THE
DECEASED 1st APPELLANT

5. HARI PRAKASH
6. HARI PRASANTH

... PETITIONERS 5&6/
PROPOSED APPELLANTS 5&6
LEGAL HEIRS OF THE
DECEASED 2nd APPELLANT

Vs

1. S. RAMACHANDRAN (DIED)
2. PANGAJAM
3. MURUGESAN
4. KANAN
5. SHYAMALA DEVI

... RESPONDENTS 2 to 5/
PROPOSED RESPONDENTS 2to5
LEGAL HEIRS OF THE
DECEASED SOLE RESPONDENT

Prayer in CMP(MD) . 3096/ 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 1407 days in filing the petition to set aside the abatement caused due to death of namely Rajendran in the above Second Appeal.



Prayer in SA(MD) No.341/ 2013 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to allow the second appeal by setting aside the judgment and decree dated 21.11.2012 passed in A.S.No.108/2009 on the file of Principal Subordinate Judge, Madurai by reversing the judgment and decree dated 10.10.2006 passed in O.S.No.274/2006 on the file of Additional District Munsif Court, Madurai.

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.T.ANTONY ARUL RAJ, Advocate for the petitioners and of MR.P.T.S.NARENDRAVASAN, Advocate on behalf of the Respondents 2 to 5, the court made the following order:-

Heard.

This petition has been filed by the petitioners seeking to condone the delay of 1407 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.The learned counsel for the respondents 2 to 5 does not have any objection for allowing the petition.

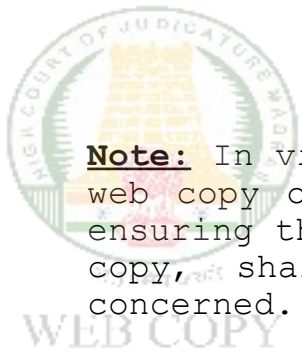
3.Considering the reasons stated in the affidavit filed in support of the petition and also considering the length of delay, this Court is inclined to condone the delay subject to the payment of cost of Rs.2,500/- (Rupees two thousand and five hundred only) to the Legal Services Committee, attached to this Bench, within a period of two weeks from the date of receipt of copy of this order, failing which, this petition shall stand dismissed automatically without any further reference to this Court.

4.This petition is accordingly ordered.

sd/-
21/08/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/ litigant concerned.

TO

1. THE PRINCIPAL SUBORDINATE JUDGE,
MADURAI.
2. THE ADDITIONAL DISTRICT MUNSIF,
MADURAI.

COPY TO:

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

ORDER

IN

CMP(MD) No.3096 of 2019 IN

SA(MD) No.341 of 2013

Date :21/08/2020

SMN

SRS/ AKM/ SAR-III/ 28.08.2020/ 3P/4C