



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

Friday, the Twenty First day of August Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.2569 of 2019
IN SA(MD) No.212 of 2013

1 V.JEYARATHI
2 V.JEYARAMKRISHNAN
3 V.KULASEKARA ALWAR
4 V.SRIRAMAKRISHNAN
5 V.GOVINDAN
6 V.RAGURAMAN

... PETITIONERS/ APPELLANTS

Vs

SUDALAIMUTHU (DIED)

... 1st RESPONDENT

1 VANAMALAI

... 1st RESPONDENT/ 2nd RESPONDENT

2 CHELLAMMAL
3 MUTHUKRISHNAN
4 JEYARAMAN
5 PETCHIAMMAL
6 MURUGESAN
7 SELVAKUMAR

... RESPONDENTS 2 TO 7/ LR'S OF THE
1st RESPONDENT

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 208 days in filing the petition to set aside the abatement caused due to the death of the 1st Respondent namely Sudalaimuthu in the second appeal.

PRAYER IN SA(MD) No.212 of 2013:

To prefer this memorandum of grounds of second appeal against the judgment and decree passed in A.S.No.92 of 2007 dated 30.03.2010 on the file of the Sub-Ordinate Court, Tuticorin confirming the judgment and decree passed in O.S.No.171 of 2005 dated 27.02.2007 on the file of the District Munsif Court, Srivaikundam.

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.H.ARUMUGAM, Advocate for the petitioners and of Mr.V.JANAKIRAMULU, Advocate for R1, the court made the following



Heard.

This petition has been filed by the petitioners seeking to condone the delay of 208 days in filing a petition to set aside the abatement caused due to the death of the 1st respondent in the above Second Appeal.

2.Mr.V.Janakiramulu, learned counsel, undertakes to file vakalat for the respondents 3 to 7 and he 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.750/- (Rupees seven hundred and fifty 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 SUBORDINATE JUDGE, TUTICORIN.
- 2 THE DISTRICT MUNSIF, SRIVAIKUNDAM.

COPY TO:

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

ORDER IN
CMP(MD) No.2569 of 2019
IN SA(MD) No.212 of 2013
Date :21/08/2020