



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

Friday, the Fourteenth day of August Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.6885 of 2019

IN

SA No.1701 of 2001

V.PERUMALNADAR

... PETITIONER/APPELLANT

Vs

THANGAPANDI NADAR (DIED)

1.RAJALAKSHMI

2 RAHAVAN

3 ILAYAPERUMAL

... RESPONDENTS 1 TO 3/
PROPOSED RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order to condone the delay of 397 days in filing the application seeking to set aside the abatement caused due to death of the Respondent namely Thangapandi Nadar in the above S.A.No.1701 of 2001 and thus render justice.

Prayer in SA. 1701/ 2001 :

To Set aside the Judgment and Decree learned Principal District Judge, Thoothukudi dated 30.09.99 in A.S.No.144/1998 confirming the judgment and decree of the learned District Munisif, Srivaikundam in O.S.No.130/1996 dated 16.07.1998.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.B.TAMILNIDHI, Advocate for the petitioner and of Mr.M.P.SENTHIL, Advocate on behalf of the Respondents, the court made the following order:-

Heard.

This petition has been filed by the petitioner seeking to condone the delay of 397 days in filing a petition to set aside the abatement caused due to the death of the sole respondent in the above Second Appeal.

2.The learned counsel for the respondents 1 to 3 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.1,000/- (Rupees one thousand 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/-
14/08/2020

/ TRUE COPY /

/08/2020
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 DISTRICT JUDGE, THOOTHUKUDI.

2.THE DISTRICT MUNSIF, SRIVAİKUNDAM.

COPY TO:

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

ORDER
IN
CMP(MD) No.6885 of 2019
IN
SA No.1701 of 2001
Date :14/08/2020

smn
TK/JC/SAR.2/20.08.2020/2P/4C