



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

Wednesday, the Nineteenth day of August Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP (MD) No.2192 of 2018
IN
SA (MD) No.399 of 2012

AYYARU CHETTIYAR (DIED)

- 1 A.PAPPAMMAL
- 2 SUNDARAMBAL
- 3 VALARMATHI
- 4 A.SWAMINATHAN
- 5 A.VENKATACHALAM

... PETITIONERS/APPELLANTS

Vs

1 V.BALAIYA THEVAR (DIED) ... 1st RESPONDENT/1st RESPONDENT

- 2 S.DAKSHINAMOORTHY
- 3 RAJENDRAN
- 4 UMA MAHESWARI
- 5 PANDARI BABU

6 MINOR KUMARAN
(REPRESENTED BY MOTHER UMA MAHESWARI)

- 7 THANGAVEL @ VENKADUSAMY CHETTIYAR
- 8 CHOCKALINGAM
- 9 INDIRA
- 10 SWAMINATHAN
- 11 NADIMUTHU
- 12 GANESAN
- 13 KODHAI

14 THE ASSISTANT ELECTRICAL ENGINEER,
TNEB (OPERATION AND MAINTENANCE),
THUVARANKURICHI VILLAGE,
PATTUKOTTAI TOWN, THANJAVUR DISTRICT.

15 THE DIVISIONAL ELECTRICAL ENGINEER,
TNEB (OPERATION AND MAINTENANCE),
PATTUKOTTAI TALUK,
THANJAVUR DISTRICT.

... RESPONDENTS/ RESPONDENTS



16 SAROJA
17 SENTHIL KUMAR
18 SASI KUMAR

... RESPONDENTS 16 & 18/
PROPOSED RESPONDENTS 16 & 18/LRs OF R1

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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 1607 days in filing the set aside the abatement Petition caused due to the death of the 1st Respondent and bring the LR Petition.

PRAYER IN SA(MD) No.399 of 2012:

To prefer this Memorandum of grounds of second appeal against the judgment and decree passed in A.S.No.39/06 dated 21.07.07 on the file of the Principal District Court, Thanjavur reversing the judgment and decree passed in O.S.No.60/00 dated 05.09.05 on the file of the Sub-Court, Pattukottai.

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.K.SIVABALAN, Advocate for the petitioners and of the Respondents 16 to 18 not appearing for either in person or by an Advocate, the court made the following order:-

Heard.

This petition has been filed by the petitioners seeking to condone the delay of 1607 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.Despite notice being served on the respondents 16 to 18 and their names are being printed in the cause list, there is no representation on behalf of them either in person or through counsel.

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.2,000/- (Rupees two 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.

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4.This petition is accordingly ordered.

sd/-
19/08/2020

/ 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 DISTRICT JUDGE,
THANJAVUR.

2 THE SUBORDINATE JUDGE,
PATTUKOTTAI.

COPY TO:

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

ORDER
IN
CMP(MD) No.2192 of 2018
IN
SA(MD) No.399 of 2012
Date :19/08/2020

smn
JM/AKM/SAR 3/25.08.2020/3P/4C