



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

Monday, the Seventeenth day of August Two Thousand Twenty

PRESENT

The Hon'ble Mrs.Justice J.NISHA BANU

CMP(MD) Nos.8723 to 8725 of 2019

IN

SA(MD) No.832 of 2009

1 ARUMUGA ASARI
2 SANTHANAMMAL

... PETITIONERS/APPELLANTS
IN ALL THE PETITIONS

Vs

N.K.RAJA (DIED)

... RESPONDENT/RESPONDENT
IN ALL THE PETITIONS

1 FATHIMA JOHN
2 SANDHU KHAN
3 HAKKIM
4 MARIAM BIBI

... PROPOSED PARTIES/
LRs OF DECEASED RESPONDENT
IN ALL THE PETITIONS

Prayer in CMP(MD)No.8723/2019 :

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 1835 days in filing the petition to set aside the abatement of the deceased respondent in the SA.832/2009.

Prayer in CMP(MD)No.8724/2019 :

To set aside the abatement of the appeal against the deceased respondent in the SA.832/2009.

Prayer in CMP(MD)No.8725/2019 :

To Bring the L.Rs of the deceased respondent, proposed parties, as the party respondents in the SA.832/2009.

Prayer in SA(MD) No.832 of 2009:

Second Appeal against the Judgment and decree dated 03.06.2009 made in A.S.No.44/2005 on the file of Additional Sub Judge, Dindigul, reversing well considered Judgment and decree dated 30.11.2004 made in O.S.No.189/1999 on the file of 2nd Additional District Munsif, Dindigul.



ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.R.SURIYANARAYANAN, Advocate for the petitioner in all the petitions and of Mr.S.A.AJMAL KHAN, Advocate for Respondents 1 to 4 in all the petitions, the court made the following order:-

These petitions have been filed by the petitioners praying to condone the delay of 1835 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 deceased sole respondent ie. proposed respondents 1 to 4 as respondents 2 to 5 in the appeal respectively.

2.The learned counsel appearing for the respondents have no serious objection in allowing these petitions.

3. Considering the length of delay, these petitions are ordered 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 a copy of this order, failing which these petitions shall stand dismissed automatically without any further reference to this Court.

sd/-

17/08/2020

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

TO

1. THE ADDITIONAL SUBORDINATE JUDGE, DINDIGUL.
2. THE II ADDITIONAL DISTRICT MUNSIF, DINDIGUL.

COPY TO:-

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

ORDER
IN
CMP(MD) Nos.8723 to 8725/2019
IN
SA(MD) No.832 of 2009
Date :17/08/2020