



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.11323 of 2016 IN
SA(MD) No.559 of 2011

DEVASAHAYAM KOIL PILLAI

... PETITIONER/APPELLANT

Vs

1 GRACE THANGASAMY @ VIMALA MARY GRACE
THRO HER POWER AGENT
THOMAS JOHN BRITTO

... 1st RESPONDENT/
1st RESPONDENT

THOMAS JOHN BRITTO (DIED)

... .. /2nd RESPONDENT

2 SRIYA PUSHPAM
3 T.RUBAN
4 JENI

... RESPONDENTS 2 to 4/
LRs OF DECEASED 2nd 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 1356 days for filing the petition to set-aside the abatement caused due to the death of the 2nd respondent in the second appeal.

Prayer in SA(MD) No.559 of 2011:

Second Appeal against the Judgment and Decree passed in A.S.No.22/09 dated 17.02.11 on the file of the Principal District Court, Tirunelveli confirming the judgment and decree passed in O.S.No.49/07 dated 15.04.09 on the file of the Principal Sub Court, Tenkasi.

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 petitioner and of Mr.T.LAJAPATHI ROY, Advocate for Respondents 2 to 4, the court made the following order:-

Heard.

2. This petition has been filed by the petitioner seeking to condone the delay of 1356 days in filing a petition to set aside the abatement caused due to the death of the second respondent in the above Second Appeal.



3.The learned counsel for the respondents 2 to 4 does not have any objection for allowing the petition.

4.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.3,000/- (Rupees three 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.

5.This petition is accordingly ordered.

sd/-
14/08/2020

/ 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, TIRUNELVELI.
2. THE PRINCIPAL SUBORDINATE JUDGE, TENKASI.

COPY TO:-

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

ORDER
IN
CMP(MD) No.11323 of 2016
IN
SA(MD) No.559 of 2011
Date :14/08/2020