



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

Thursday, the Third day of September Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.4016 of 2018

IN

SA(MD) No.995 of 2008

SANKARANARAYANAN @ SANKAR

... PETITIONER/ APPELLANT

Vs

1 M.J.A.JOTHI PANDIAN(DIED ON 28/11/2012)

2 PACKIYATHAI

3 TAMILSELVI

4 ARIVAZHAGAN

5 KANIMOZHI

... RESPONDENTS/ PROPOSED RESPONDENTS

2 TO 5 LR'S OF THE DECEASED SOLE 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 1815 days in filing the petition to bring on record of the legal representatives of the deceased sole Respondent (M.J.A.Jothi Pandian) in the main Second Appeal in S.A.No.995 of 2008.

PRAYER IN SA(MD) No.995 of 2008:

To prefer this Memorandum of Grounds of Second Appeal against the judgment and decree passed in A.S.No.40 of 2007 dated 29.04.2008 on the file of the Sub-Court, Ambasamudram, reversing the judgment and decree passed in O.S.No.247 of 2005 dated 18.12.2006 on the file of the Principal District Munsif Court, Ambasamudram.

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.V.MEENAKSHISUNDARAM, Advocate for the petitioner and the respondents 2 to 5 not appeared either in person or by an advocate, the court made the following order:-

Heard.

This petition has been filed by the petitioner seeking to condone the delay of 1815 days in filing a petition to bring on record the legal representatives of the deceased sole respondent in the above Second Appeal.



2.Despite notice being served on the respondents 2 to 5 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.2,500/- (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 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/-
03/09/2020

/ 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,
AMBASAMUDRAM

2 THE PRINCIPAL DISTRICT MUNSIF,
AMBASAMUDRAM.

COPY TO:

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

ORDER IN
CMP(MD) No.4016 of 2018
IN SA(MD) No.995 of 2008
Date :03/09/2020