



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

C.M.P(MD) .Nos.2301 to 2303 of 2016

in

S.A. (MD) .No.1176 of 2011

1 V.PERUMAL
2 MUTHULAKSHMI
3 V.CHELLADURAI
4 VELLAITHAI

... PETITIONERS/APPELLANTS
IN ALL PETITIONS

Vs

MUTHAMMAL (DIED)

... RESPONDENT/RESPONDENT/PLAINTIFF
IN ALL PEITIONS

PACKIAM,

... LR of DECEASED SOLE RESPONDENT
IN ALL PETITIONS

Prayer in CMP(MD). 2301/ 2016 :

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 281 days in filing the petition to set aside the abatement of the SA.(MD).No.1176/2011 on the file of Honourable Court.

Prayer in CMP(MD). 2302/ 2016 :

To set aside the abatement of the SA.(MD).No.1176/2011 on the file of Honourable Court.

Prayer in CMP(MD). 2303/ 2016 :

To allow the proposed Respondent as legal representative in SA.(MD).No.1176/2011 on the file of this Honourable Court.

PRAYER IN SA(MD)No.1176 of 2011:

To prefer this Memorandum of Second Appeal against the Judgment and decree dated 18.08.2011 made in A.S.No.15 of 2010 on the file of the Sub Court, Theni partly allowing and partly dismissing the Judgment and Decree dated 23.02.2010 made in O.S.No.133 of 2005 on the file of the District Munsif Court cum Judicial Magistrate, Andipatty, Theni District.



ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr. T.LAJAPATHI ROY, Advocate for the petitioners in all petitions and of Mr.J.BARATHAN, Advocate on behalf of the Respondent, the court made the following order:-

These petitions have been filed by the petitioners praying to condone the delay of 281 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 respondent as the respondent in the appeal respectively.

2.The learned counsel appearing for the respondents has 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.500/- (Rupees 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 SUBORDINATE JUDGE, THENI.

2 THE DISTRICT MUNSIF COURT CUM JUDICIAL MAGISTRATE,
ANDIPATTY, THENI DISTRICT.

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

ORDER

IN

C.M.P(MD).Nos.2301 to 2303 of 2016
in

S.A.(MD).No.1176 of 2011

Date :17/08/2020

gcb

AE/JC/SAR-III (20.08.2020) 2P 4C