



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

Thursday, the Sixth day of August Two Thousand Twenty
PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

WEB COPY

CMP(MD) No.7517 of 2016
IN SA No.951 of 2002

- 1 MOHAMED SATHAK THAMBI (DIED)
BY HIS LEGAL HEIRS.
- 2 HAMSHA BEEVI
- 3 MOHAMED SULTHAN
- 4 MOHAMED MEERA UMMAL
- 5 ABUL HASSAN
- 6 M.SYED NAZAR
- 7 MUMTAJ BEGAM
- 8 ASKAR ALI
- 9 AASIK
- 10 BAGRUTHEEN ALI HAMMED

... PETITIONERS/
PROPOSED APPELLANTS 2 -10

Vs

- 1 KAMALAM AMMAL
- 2 KUNJARAM AMMAL

... RESPONDENTS/ RESPONDENTS

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 4374 days in filing the petition to set aside the abatement caused due to the death of the sole appellant in S.A.No.951 of 2002.

PRAYER IN SA No.951 of 2002:

To prefer this memorandum of grounds of Second Appeal against the judgment and decree made in A.S.No.131 of 1996 on the file of Principal District Court, Ramanathapuram dated 29.07.1997 reversing the judgment and decree made in O.S.No.499 of 1992 on the file of the Principal District Munsif Court, Ramanathapuram dated 24.06.1996.

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.RAGHAVACHARI, Advocate for the petitioners and respondent not appeared 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 4374 days in filing a petition to set aside the



abatement caused due to the death of the sole appellant in the above Second Appeal.

2.Despite notice being served on the respondents 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.5,000/- (Rupees five 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.

4.This petition is accordingly ordered.

sd/-
06/08/2020

/ 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, RAMANATHAPURAM.

2 THE PRINCIPAL DISTRICT MUNSIF, RAMANATHAPURAM.

COPY TO:

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

+1 CC to M/s.V.RAGAVACHARI, Advocate (SR-5938[I] dated 12/08/2020)

ORDER IN
CMP(MD) No.7517 of 2016
IN
SA No.951 of 2002
Date :06/08/2020