



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

Wednesday, the Ninth day of September Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) Nos.4506 to 4508 of 2018

IN

AS(MD) No.7 of 2007

1 A.RATHINASABAPATHY (DIED)

2.JEYALAKSHMI KUPPUSAMY

3.SUNDARAM ARUNACHALA GOUNDER

4.K.A.SIVA GNANA SUNDARI RAVICHANDRAN

... PETITIONERS/
PROPOSED APPELLANTS 2 TO 4
IN ALL THESE PETITIONS

Vs

1.THE SPECIAL TAHSILDAR(LAND ACQUISITION),
KARUR DINDIGUL RAILWAY LINE EXPANSION,
RAILWAY WAY LINES UNIT NO.3,
DINDIGUL.

2.THE SOUTHERN RAILWAY, REP. BY ITS
EXECUTIVE ENGINEER(CONSTRUCTION),
MADURAI.

... RESPONDENTS/RESPONDENTS
IN ALL THESE PETITIONS

PRAYER IN CMP(MD)No.4506 of 2018 IN AS(MD)No.7 of 2007:

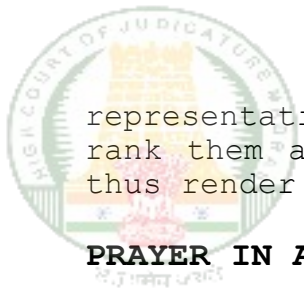
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 963 days in filing the petition to set aside the abatement caused due to the death of the sole appellant A. Rathinasabapathy in the main appeal A.S.No.7 of 2007 and thus render justice.

PRAYER IN CMP(MD)No.4507 of 2018 IN AS(MD)No.7 of 2007:

To set aside the abatement caused due to the death of the sole appellant A. Rathinasabapathy in the main appeal A.S.No.7 of 2007 and thus render justice.

PRAYER IN CMP(MD)No.4508 of 2018 IN AS(MD)No.7 of 2007:

To bring on record the petitioners 2 to 4 herein as the legal



representatives of the deceased sole appellant A. Rathinasabapathy and rank them as appellants 2 to 4 in the main appeal A.S.No.7 of 2007 and thus render justice.

PRAYER IN AS (MD) No. 7 of 2007:

WEB COPY To prefer this Memorandum of Regular Appeal against the Judgment and Decree of the Court of the Principal Subordinate Judge, Dindigul in L.A.O.P.No.15/1989 dated 11.03.2004 is awarding only Rs.6/- per square foot for the acquired lands.

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.V.RAGHAVACHARI, Advocate for the petitioners in all these petitions, and of Mr.J.GUNASEELAN MUTHAIAH, Advocate for R1 in all these petitions and Mr.S,MANOHAR, Advocate for R2 in all these petitions, the court made the following order:-

C.M.P(MD)No.4506 of 2018 has been filed by the petitioners seeking to condone the delay of 963 days in filing a petition to set aside the abatement caused due to the death of the sole appellant in the above appeal.

2.C.M.P(MD)No.4507 of 2018 has been filed by the petitioners seeking to set aside the abatement caused due to the death of the sole appellant in the above appeal.

3.C.M.P(MD)No.4508 of 2018 has been filed by the petitioners seeking to bring on record the petitioners 2 to 4 therein, as the legal representatives of the deceased sole appellant and rank them as appellants 2 to 4, in the above appeal.

4.Heard the learned counsel appearing for both sides.

5.Considering the reasons stated in the affidavits filed in support of the petitions and also considering the length of delay, this Court is inclined to allow these petitions 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 four weeks from the date of receipt of copy of this order, failing which these petitions shall stand dismissed automatically without any further reference to this Court.



6. These petitions are accordingly ordered.

7. In the event of payment of cost, Registry is directed to carry out necessary amendment in the main appeal.

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sd/-
09/09/2020

/ 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

THE PRINCIPAL SUBORDINATE JUDGE, DINDIGUL.

COPY TO:

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

ORDER IN
CMP(MD) Nos.4506 to 4508 of 2018
IN
AS(MD) No.7 of 2007
Date :09/09/2020

SMN
TK/JC/SAR.3/14.09.2020/3P/3C