



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.4509 to 4511 of 2018  
IN  
AS(MD) No.103 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.4509 of 2018 IN AS(MD)No.103 of 2007:**

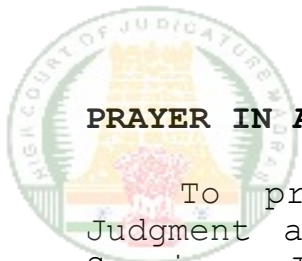
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 963 days in filing the petition to set aside the abatement caused due to the death of the sole appellant A.Rathinasabapathy in the main appeal A.S.No.103 of 2007 and thus render justice.

**PRAYER IN CMP(MD)No.4510 of 2018 IN AS(MD)No.103 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.103 of 2007 and thus render justice.

**PRAYER IN CMP(MD)No.4511 of 2018 IN AS(MD)No.103 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.103 of 2007 and thus render justice.



**PRAYER IN AS(MD)No.103 of 2007:**

To prefer this Memorandum of Regular Appeal against the Judgment and Decree of the Court of the Additional District and Sessions Judge (Fast Track Court) Dindigul in L.A.O.P.No.14/1989 dated 28/02/2003 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.A.HAJAMOHIDEEN, Advocate for R2 in all these petitions, the court made the following order:-

C.M.P(MD)No.4509 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.4510 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.4511 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.

sd/-  
09/09/2020

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/ 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 ADDITIONAL DISTRICT AND SESSION JUDGE,  
(FAST TRACK COURT), DINDIGUL.

**COPY TO:**

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

ORDER IN  
CMP(MD) Nos.4509 to 4511 of  
2018 IN  
AS(MD) No.103 of 2007  
Date :09/09/2020

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