



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

Thursday, the Third day of September Two Thousand Twenty

PRESENT

WEB COPY

The Hon`ble Mrs.Justice J.NISHA BANU

C.M.P (MD)No.5064 of 2018

in

S.A(MD)No.654 of 2012

1.MARIA AROCKIYATHAMMAL (DIED)

2.SOOSAIMUTHU

3 XAVIAKKAN

4 SAVERIMUTHU (DIED)

5 ARULANTHU

... PETITIONERS/APPELLANTS

Vs

1 INNASIMUTHU

2 SAVERIMUTHU
S/O.LATE.INNASIMUTHU

3 PHILIPNATHAN

4 ISTHAIKKIMARY

5 ARULANDU

6 INNASIAMMAL

... RESPONDENTS/RESPONDENTS

7 SOOSAIAMMAL

8 AROCIKYAM

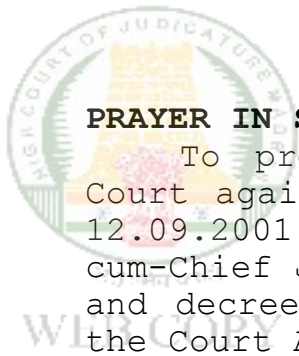
9 JESU

10 ELIZABETH RANI

11 PARIMALA

... RESPONDENT 7 TO 11/PROPOSED
RESPONDENTS 7 TO 11

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 105 days in filing the petition to set aside the abatement caused by the deceased 4th Appellant in the Second Appeal in S.A.(MD) No.654 of 2012.



PRAYER IN S.A(MD)No.654 of 2012:

To prefer this Memorandum of Second Appeal in this Hon'ble Court against the judgment and decree made in A.S.No.26/2000 dated 12.09.2001 on the file of the Court of Additional District Judge-cum-Chief Judicial Magistrate, Pudukottai in confirming the judgment and decree made in O.S.No.38/1997 dated 30.07.1999 on the file of the Court Additional District Munsif, Pudukottai.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.BAALALSUNDHARAM, Advocate for the petitioners and of the respondents 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 105 days in filing a petition to set aside the abatement caused due to the death of the 4th appellant in the above Second Appeal.

2.Despite notice being served on the respondents 7 to 11 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.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 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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1.THE ADDITIONAL DISTRICT MUNSIF,
PUDUKOTTAI.

2.THE ADDITIONAL DISTRICT JUDGE-CUM-CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.

COPY TO:

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

ORDER
IN
CMP (MD) No.5064 of 2018
IN
SA(MD) No.654 of 2012
Date :03/09/2020

SMN
AE/JC/SAR-IV (07.09.2020) 3P 4C