



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

Thursday, the Twentieth day of August Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

C.M.P(MD) .Nos.6277 to 6279 of 2018

in

S.A. (MD)No.405 of 2013

K.ASOKAN

... PETITIONER/APPELLANT
IN ALL PETITIONS

Vs

1 RAJAGOPALAN (DIED)

2.ELAVARASAN

3 MATHIZHAGAN

... RESPONDENTS/RESPONDENTS
IN ALL PETITIONS

4 THILAGAVATHI

5 KALAISELVI

... RESPONDENTS/PROPOSED RESPONDENTS 4 AND 5
(LR'S OF DECEASED 1st RESPONDENT)
IN ALL PETITIONS

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 284 days in filing the application to set aside the abatement caused due to the death of 1st respondent in S.A.No.405 of 2013 on the file of this Honourable Court.

Prayer in CMP(MD) . 6278/ 2018 :

Pleased to set aside the abatement cause due to the death of 1st Respondent in SA(MD) No.405 of 2013 on the file of this Honourable Court.

Prayer in CMP(MD) . 6279/ 2018 :

Pleased to bring on record the Respondents herein as Legal representatives of deceased 1st respondent as proposed respondents 4 and 5 in S.A.No.405 of 2013 on the file of this Honourable Court.



Prayer in SA(MD)No.405 of 2013:

To prefer this Memorandum of Grounds of Second Appeal against the judgment and decree dated 06.02.2012 in A.S.No.79 of 2011 on the file of IV Additional Subordinate Judge, Tiruchirappalli in confirming the judgment and decree dated 03.01.2011 made in O.S.No.220 of 2001 on the file of District Munsif Court, Musiri.

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.K.GOVINDARAJAN, Advocate for the petitioner in all petitions and of the respondents 2 to 5 not appeared either in person or by an advocate in all petitions, the court made the following order:-

These petitions have been filed by the petitioners praying to condone the delay of 284 days in filing a petition to set aside the abatement caused due to the death of 1st respondent, to set aside the abatement and to bring on record the legal heirs of the deceased 1st respondent ie. proposed respondents 4 & 5 as respondents 4 & 5 in the appeal respectively.

2. Though notice served and name printed in the cause list, none appeared on behalf of the respondents.

3. Considering the length of delay and also considering the reason stated in the affidavit filed in support of the petitions, these petitions are ordered subject to the payment of cost of Rs.1,000/- (Rupees one thousand only) to the Legal Services Committee, attached to this Bench, within a period of one week from today, failing which these petitions shall stand dismissed automatically without any further reference to this Court.

4. At this juncture, the learned counsel for the petitioner/appellant submitted that the matter has already been settled before the Court below and therefore, he requested to list the appeal on 28.08.2020 for filing a memo to that effect.

5. Post the second appeal for hearing on 28.08.2020.

sd/-
20/08/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE IV ADDITIONAL SUBORDINATE JUDGE,
TIRUCHIRAPPALLI.

2 THE DISTRICT MUNSIF,
MUSIRI.

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

ORDER

IN

C.M.P (MD) .Nos.6277 to 6279 of 2018
in

S.A. (MD)No.405 of 2013

Date :20/08/2020

gcg

AE/AKM/SAR-III (25.08.2020) 3P 4C