



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

Monday, the Seventh day of September Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.11168 of 2019

IN

SA No.1923 of 2000

PICHAYAPPA

... PETITIONER/APELLANT

Vs

1 CHINNAIYAH VIJAYA THEVAR(DIED)

2 JOTHI @ JOTHIKANNU

3 PAVUNAMMAL

4 KANNAIYAN

5 DHARMARAJ

6 ANNATHAMMAL @ ANNATHAI

7 MURUGAIYAN

... RESPONDENTS/

PROPOSED RESPONDENTS 2 TO 7

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 1023 days in filing the petition to set aside the abatement caused due to the death of the respondent namely Chinnaiyah Vijaya Thevar in the above Second Appeal in SA No.1923 of 2000 and thus render justice.

Prayer in SA No.1923 of 2000:

To prefer this Memorandum of Second Appeal to this Hon'ble Court against the Judgment and decree dated 18.07.2000 made in A.S.No.16 of 1999 on the file of the Court of the Subordinate Judge of Pattukkottai and Judgment and decree dated 24.12.1997 made in O.S.No.31 of 1997 on the file of the District Munsif of Orathanadu.

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.N.BALAKRISHNAN, Advocate for the petitioner and of the Respondents 2 to 7 are not appeared either in person or by an Advocate, the court made the following order:-

Heard.

This petition has been filed by the petitioner seeking to condone the delay of 1023 days in filing a petition to set aside the abatement caused due to the death of the sole respondent in the above Second Appeal.

<https://hccrecorder.com/case-files>



2.Despite notice being served on the respondents 2 to 7 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.2,500/- (Rupees two thousand and 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/-
07/09/2020

/ 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

1 THE SUBORDINATE JUDGE OF PATTUKKOTTAI.

2 THE DISTRICT MUNSIF, ORATHANADU.

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

ORDER
IN
CMP(MD) No.11168 of 2019
IN
SA No.1923 of 2000
Date :07/09/2020

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JM/AKM/SAR II/09.09.2020/2P/4C

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