



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

Thursday, the Third day of September Two Thousand Twenty

WEB COPY

PRESENT

The Hon'ble Mrs.Justice J.NISHA BANU

CMP (MD) No.10750 of 2017
IN
SA (MD) No.277 of 2012

PAPPAYEE AMMAL

... PETITIONER/APELLANT

Vs

1 MUTHUKANNU (DIED)

... 1st RESPONDENT

2 THAIMANI

... 2nd RESPONDENT/2nd RESPONDENT

3 SAKTHIVEL

4 SENTHILKUMAR

... RESPONDENTS 3&4/ PROPOSED
RESPONDENTS 3&4/
LR's DECEASED 1st RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condoning the delay of 202 days in filing an application to set aside the abatement caused due to the death of 1st respondent in SA(MD)No. 277 of 2012 on such terms as it deems fit and proper. .

Prayer in SA(MD) No.277 of 2012:

Second Appeal against the Judgment and Decree of the II Additional Subordinate Judge, Didigul dated 28.11.2011 in A.S.No.74/2008, reversing the Judgment and decree passed by District Munsif cum Judicial Magistrate, Vedasanthur dated 19.03.2008 in O.S.No.53 of 2004.

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.S.ANAND CHANDRASEKAR, Advocate for the petitioner and of Mr.H.LAKSHMI SHANKAR, Advocate on behalf of the Respondents 3 and 4, the court made the following order:-

Heard.

This petition has been filed by the petitioner seeking to condone the delay of 202 days in filing a petition to set aside the abatement caused due to the death of the 1st respondent in the above Second Appeal.



2.The learned counsel for the respondents 3 and 4 does not have any objection for allowing the petition.

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.

TO

1. THE II ADDITIONAL SUBORDINATE JUDGE, DINDIGUL.
2. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VEDASANTHUR.

COPY TO:-

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

ORDER
IN
CMP (MD) No.10750 of 2017
IN
SA (MD) No.277 of 2012
Date :03/09/2020