



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

Friday, the Fourteenth day of August Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.2211 of 2017
IN
SA(MD) No.526 of 2011

1 PERIYASAMY
2 RAMASAMY (DIED)
3 KALIAPPAN
4 VEERAMMAL
5 CHINNASAMY(DIED)
6 MURUGAYIAMMAL @ MARUTHAYIAMMAL ... PETITIONERS/APPELLANTS

7 RAJAMMAL
8 ARUKKANI
9 PALANISAMY ... PETITIONERS 7 TO 9/
PROPOSED APPELLANTS 7 TO 9

Vs

1.PALANISAMY (DIED),
2 DHANDAPANI
3 PALANIAMMAL
4 CHELLAMUTHU
5 THANKARAJ ...RESPONDENTS/RESPONDENTS

6 THANGARASU
7 PUSHPA ...RESPONDENTS 6 & 7/
PROPOSED RESPONDENTS 6 & 7

8 UTHAMI
9 KALAISELVI
10 SEENIVASAN ... RESPONDENTS 8 TO 10/
PROPOSED RESPONDENTS 8 TO 10

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 233 days in filing the above application to set aside the abatement caused due to the death of the deceased 5th appellant viz., Chinnasamy in the above second appeal.

PRAYER IN SA(MD) No.526 of 2011:

To prefer this memorandum of Second Appeal against the Judgment and Decree passed in A.S.No.25 of 2007 on the file of Principal Subordinate Judge, Dindigul dated 20.09.2010 by reversing the



Judgment and Decree passed in O.S.No.155 of 1998 on the file of District Munsif cum Judicial Magistrate, Vendasandur dated 29.12.2006.

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.M.P.SENTHIL, Advocate for the petitioners and No Appearance for R8 to R10, the court made the following order:-

Heard.

This petition has been filed by the petitioners seeking to condone the delay of 233 days in filing a petition to set aside the abatement caused due to the death of the 5th appellant in the above Second Appeal.

2.Though the respondents 8 to 10 appeared through a counsel, today there is no representation on behalf of them.

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.1,000/- (Rupees one thousand 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/-
14/08/2020

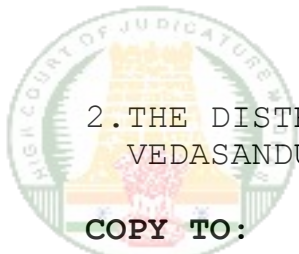
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/08/2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 PRINCIPAL SUBORDINATE JUDGE,
DINDIGUL.



2.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VEDASANDUR.

COPY TO:

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

ORDER
IN
CMP (MD) No.2211 of 2017
IN
SA(MD) No.526 of 2011
Date :14/08/2020

SMN
TK/PN/SAR.3/25.08.2020/3P/4C