



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

Thursday, the Thirteenth day of August Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.5057 of 2017

IN

SA(MD) No.512 of 2011

1 GANESAN (DIED)

2. TAMILARASSI

3 KANNAN GANESAN

4 SUBASHINI

5 VINODHENI

... PETITIONERS/PROPOSED APPELLANTS

2 TO 5 LR's OF THE DECEASED 1st APPELLANT

Vs

1 VALLIMAYIL

2 SEETHALAKSHMI

R.GANESAN (DIED)

B.MALAICHAMY (DIED)

... RESPONDENTS/RESPONDENTS

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 179 days in filing the petition to set-aside the abatement cause due to the death of the 1st Appellant (Late Ganesan) in the Second Appeal in S.A.No.512 of 2011.

Prayer in SA(MD)No. 512/ 2011 :

To set aside the judgment and decree passed in A.S.No.21 of 2010 dated 13.12.2010 on the file of the Sub-Court, Sankarankoil confirming the judgment and decree dated 23/04/2010 passed in O.S.No.135 of 2007 on the file of the District Munsif Court Cum Judicial Magistrate, Sivagiri.

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.D.NALLATHAMBI, Advocate for the petitioners and of Mr.F.X.EUGENE, Advocate for R1 & R2, the court made the following order:-

Heard.



This petition has been filed by the petitioners seeking to condone the delay of 179 days in filing a petition to set aside the abatement caused due to the death of the 1st appellant in the above Second Appeal.

2.The learned counsel for the respondents has no 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/-
13/08/2020

/ 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, SANKARANKOVIL.
- 2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, SIVAGIRI.

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

ORDER IN
CMP(MD) No.5057 of 2017
IN
SA(MD) No.512 of 2011
Date :13/08/2020

smn

AE/AKM/SAR-III (18.08.2020) 2P 4C

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