



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

Friday, the Twenty First day of August Two Thousand Twenty
PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

**CMP(MD) No.568 of 2017
IN
SA(MD) No.828 of 2011**

1 PAPPA
2 S.SELVAM
3 NAMBIRAJAN

... PETITIONERS/APPELLANTS

Vs

MASANA KONAR(DIED)

.... /RESPONDENT

1) S.ESAKKIAMMAL,
2 M.SIVAN PERUMAL
3 M.CHELLAPPA
4 M.SANTHANAM
5 U.RUKMANI

... RESPONDENTS/LR'S OF DECEASED RESPONDENT

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 161 days for filing the petition to set aside the abatement caused due to the death of the deceased respondent in the Second Appeal.

PRAYER IN SA(MD) No.828 of 2011:

To prefer this Memorandum of grounds of second appeal against the judgment and decree passed in A.S.No.27/08 dated 05/08/18 on the file of the Sub-Court, Valliyoor confirming the judgment and decree passed in O.S.No.133/01 dated 13-07-07 on the file of the Principal District Munsif Court, Nanguneri.

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.H.ARUMUGAM, Advocate for the petitioners and of Mr.A.ARUMUGAM, Advocate for R2 and the respondents 1 and 3 to 5 not appeared either in person or by an advocate, the court made the following order:-

Heard.

This petition has been filed by the petitioners seeking to condone the delay of 161 days in filing a petition to set aside the abatement caused due to the death of the sole respondent in the above Second Appeal.



2.Despite notice being served on the respondents 1 and 3 to 5 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.The learned counsel for the 2nd respondent does not have any objection for allowing the petition.

4.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.

5.This petition is accordingly ordered.

sd/-
21/08/2020

/ 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 PRINCIPAL DISTRICT MUNSIF, NANGUNERI.

2.THE SUBORDINATE JUDGE, VALLIYOOR.

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

ORDER IN
CMP(MD) No.568 of 2017
IN
SA(MD) No.828 of 2011
Date :21/08/2020

smn

AE/AKM/SAR-II (28.08.2020) 2P 4C

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