



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

Thursday, the Tenth day of September Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

C.M.P(MD)Nos.12127 to 12129 of 2019
in
S.A(MD)No.545 of 2007

1 K.MANICKAM(DIED) ... 1st PETITIONER/ SOLE APPELLANT
IN ALL THE PETITIONS

2 M.GOVINDAMMAL,
3 KALAIVANI
4 KALAIRANI
5 BAVANI
6 M.BALAMURUGAN
7 SARIDHA

... PETITIONERS 2 TO 7/ PROPOSED
APPELLANTS 2 TO 7
IN ALL THE PETITIONS

Vs

K.MUTHIAN ... RESPONDENT/ RESPONDENT
IN ALL THE PETITIONS

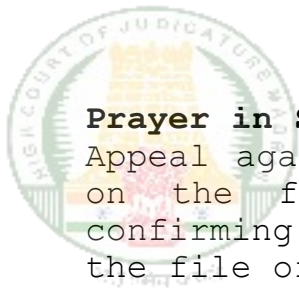
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 400 days in filing the above application to set aside the abatement caused due to the death of the petitioner husband viz., K.Manickam, the sole appellant in the above Second Appeal in SA.No.545 of 2007.

Prayer in CMP(MD). 12128/ 2019 :

Pleased to set aside the abatement caused due to death of the petitioner husband viz., K.Manickam, the sole appellant in the above second appeal in SA.No.545 of 2007.

Prayer in CMP(MD). 12129/ 2019 :

Pleased to bring on record the petitioners 2 to 7 herein as the legal representatives of the deceased viz., K.Manickam, the sole appellant herein and rank them as appellants 2 to 7 in the above second Appeal in SA.No.545 of 2007.



Prayer in S.A(MD)No.545 of 2007: To prefer this memorandum of Second Appeal against the judgment and decree passed in A.S.No.38 of 2006 on the file of the Sub Court, Pattukottai dated 28.11.2006 confirming the judgment and decree passed in O.S.No.166 of 2001 on the file of District Munsif Court, Pattukottai dated 28.02.2006.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.M.P.SENTHIL, Advocate for the petitioner in all the petitions and, respondent not appeared either in person or by an advocate in all the petitions, the court made the following order:-

C.M.P(MD)No.12127 of 2019 has been filed by the petitioners seeking to condone the delay of 400 days in filing a petition to set aside the abatement caused due to the death of the sole appellant in the above second appeal.

2.C.M.P(MD)No.12128 of 2019 has been filed by the petitioners seeking to set aside the abatement caused due to the death of the sole appellant in the above second appeal.

3.C.M.P(MD)No.12129 of 2020 has been filed by the petitioners seeking to bring on record the petitioners 2 to 7 therein, as the legal representatives of the deceased sole appellant and rank them as appellants 2 to 7, in the above second appeal.

4. Considering the fact that the petitioners, who are the legal heirs of the deceased sole appellant, have filed the present petitions and also considering the reasons stated in the affidavits filed in support of the petitions, and also considering the length of delay, this Court is inclined to allow these petitions subject to the payment of cost of Rs.2,000/- (Rupees Two 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 these petitions shall stand dismissed automatically without any further reference to this Court.

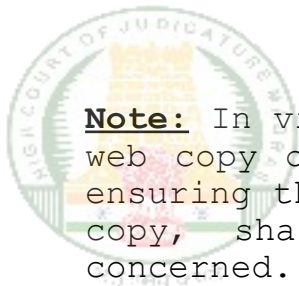
5. These petitions are accordingly ordered.

6. In the event of payment of cost, Registry is directed to carry out necessary amendment in the main second appeal.

sd/-
10/09/2020

/ 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.

WEB COPY

TO

1 THE SUBORDINATE JUDGE,
PATTUKOTTAI.

2 THE DISTRICT MUNSIF,
PATTUKOTTAI.

COPY TO;
THE OFFICER INCHARGE,
LEGAL SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
C.M.P (MD) Nos.12127 to 12129 of 2019
IN SA (MD) No.545 of 2007
Date :10/09/2020

MS/JC/SAR-4/28.09.2020/3P.4C