



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Twentieth day of July Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE ABDUL QUDDHOSE

CMP.Nos.24450, 24455 & 24466 of 2019

in SA.No.1039 of 2007

1 AYILU NAIDU, [PETITIONERS IN ALL THE PETITIONS]
2 GOVINDASAMY NAIDU (DECEASED)
3 LAKSHMI AMMAL (DECEASED)
4 DURGA BAI,
5 GODAVARI
6 A.BABU
7 A.KAVERI
8 P.NALINA
9 A.PRABHU
10 G.BHARATHI
[LEAGAL HEIRS OF DECEASED 3RD APPELLANTS]

Vs

VADAVEETHI SUBRAMANIASAMY KOIL, [RESPONDENTS IN ALL THE
REP. BY ITS EXECUTIVE OFFICER, PETITIONS]
KANNIGA PARAMESWARI AMMAN KOIL,
TIRUVANNAMALAI.

Petitions praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(i)condone the delay of 1248 days in filing the petition to set aside the abatement caused due to the death of 3rd Appellant, viz., Lakshmi Ammal and thus render justice.(in CMP.No.24450/2019);

(ii)To set aside the abatement caused due to the death of the 3rd Appellant viz., Lakshmi Ammal and thus render justice. (in



(iii) To bring on record the proposed 4th to 10th Party Appellants, viz (1) Durgai Bai aged 58 years, daughter of Ayilu Naidu (2) Godavari, aged 56 years, daughter of Ayilu Naidu, (3) A. Babu aged 54 years, son of Ayilu Naidu, (4) A. Kaveri, aged 53 years, daughter of Ayilu Naidu, (5) P. Nalina, aged 51 years, daughter of Ayilu Naidu, (6) A. Prabhu, aged 50 years, son of Ayilu Naidu (7) G. Bharathi, grand daughter of Ayilu Naidu and daughter Govindaswamy (who is also son of Ayilu Naidu) as Legal Representatives of the deceased 3rd Appellant viz., Lakshmi Ammal, as appellants 4 to 10 in the above Second Appeal. (in CMP.No.24450/2019);

Order : These petitions coming on this day for hearing upon perusing the petition and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.A.JENASENAN, Advocate for the petitioner in all the petitions and of M/S.R.SWAMINATHAN, Advocate for the respondents the court made the following order:-

These Civil Miscellaneous Petitions have been filed (a) to condone the delay of 1248 days in filing the petition to set aside the abatement caused due to the death of the third Appellant, (b) to set aside the abatement caused due to the death of the third Appellant and (c) bring on record the legal representatives of the deceased third Appellant in the main second appeal.

2. Learned counsel for the respondent has also not raised any serious objection for allowing these petitions. However, he would submit that since the respondent is a temple, nominal cost will have to be imposed on the petitioners for allowing the petition with such an inordinate delay. Learned counsel for the petitioners is also prepared to pay the cost.

3. After recording the submissions made by both the counsels, these petitions are allowed as prayed for subject to the condition that the petitioners pay a sum of Rs.5,000/- to the Executive Officer, respondent temple on or before 10.08.2021, failing which, these petitions shall stand dismissed.

4. Post the matter on 12.08.2021.

-sd/-
20/07/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL DISTRICT MUNSIF
NO.2, THIRUVANNAMALAI,



2. THE ADDITIONAL SUBORDINATE
JUDGE, TIRUVANNAMALAI.

WEB COPY

Order

in

CMP.Nos.24450, 24455 & 24466 of 2019

in SA.No.1039 of 2007

Date :20/07/2021

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KP(29/07/2021)