



WEB COPY

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

Thursday, the Ninth day of September Two Thousand and Twenty One
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CMP(MD) Nos.3807, 3808 and 3809 of 2020

in

SA(MD)No.726 of 2015

1 MUTHAMIZH RANI	..PETITIONER/1ST APPEALLANT
2 VENKATACHALAM (DIED)	...2ND APPEALLANT (DIED)
3 V.GOWRIRAJAN	
4 REGURAJAN	... PROPOSED 3RD & 4TH APPELLANTS
	IN ALL CASES
	Vs
ARUMUGA NAINAR	... RESPONDENT/RESPONDENT
	IN ALL CASES

Prayer in CMP(MD). 3807 of 2020 :

Pleased to condone the delay of 872 days in filing the application for set aside the abatement and to bring on the L.Rs.of the deceased of the 2nd appellant.

Prayer in CMP(MD). 3808 of 2020 :

Pleased to set aside the abatement caused due to the death of the 2nd appellant in the above 2nd appeal.

Prayer in CMP(MD). 3809 of 2020 :

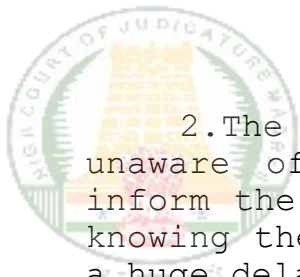
Pleased to bring on record the proposed appellants 3 and 4 herein as the legal representatives of the deceased 2nd appellant in the above 2nd appeal.

PRAYER IN SA(MD) No.726 of 2015

To set aside the judgment and decree dated 27.02.2015 made in A.S.No.39 of 2014 on the file of the District Court, Sivagangai, reversing the Judgment and Decree dated 03.09.2013 made in O.S.No.118 of 2010 on the file of Subordinate Judge, Devakottai, and allow the second appeal pending on the file of this Hon'ble Court.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of MR.V.S.KUMARAGURU, Advocate for the petitioners in all cases and of MR.N.TAMIL MANI, Advocate on behalf of the Respondent in all cases, the court made the following order:-

These petitions have been filed to condone the delay of 872 days in filing these petitions to set aside the abatement caused due to the death of deceased second appellant, to set aside the abatement and to bring on record the appellants 3 and 4 as legal representatives of the deceased second appellant.



2.The learned counsel for the petitioners submits that due to unaware of the legal proceedings, the first petitioner did not inform the demise of her husband/second petitioner herein and after knowing the same, the first petitioner took steps. Hence there was a huge delay.

3.The learned counsel for the respondent strongly opposed this petition and he wanted this Court to dismiss these petitions.

4.In view of the above submissions of the learned counsel for the petitioners, these Petitions are ordered on condition that the Petitioners pay a sum 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 a copy of this order, failing which, these Petitions shall stand automatically dismissed, without further reference to this Court.

5.Registry is directed to make the necessary amendments in the cause title.

Sd/-
09/09/2021

/ TRUE COPY /

/ /2021
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 DISTRICT COURT, SIVAGANGAI.
2.THE SUBORDINATE JUDGE, DEVAKOTTAI.

COPY TO

THE AUTHORIZED OFFICER,
LEGAL AID SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.(SOFT COPY)

ORDER
IN
CMP(MD) Nos.3807, 3808 and 3809 of 2020
in
SA(MD)No.726 of 2015
Date :09/09/2021