



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Civil Appellate Jurisdiction)

Thursday, the Sixth day of January Two Thousand Twenty Two

PRESENT

THE HON`BLE MRS JUSTICE J.NISHA BANU

CMP.Nos.7737 of 2021

in SA.No.1362 of 1998

T.G.RAJA SHANMUGHAM (DECEASED)

[PETITIONERS]

1 R. REVATHY

2 R. NANDINI

Vs

1 ARULMIGHU PIDARI UCHI AMARNTHAL AMMAN KOIL,
REP.BY ITS TRUSTEE HAVING OFFICE AT
ANGALAPARAMESWARI THIRUKOIL,
NO.194, ADAM SAHIB STREET, ROYAPURAM,
CHENNAI - 13.

[RESPONDENTS]

2 ANNAPATHINA SUBBULU,
CATTLE SHANDY, BASIN ROAD, KALADIPET,
CHENNAI - 19.

3 NELLORE KONDIAH,
CATTLE SHANDY, BASIN ROAD, KALADIPET,
CHENNAI - 19.

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 3628 days in filing the application to restore the above Second Appeal No.1362 of 1998 dismissed for non-prosecution on 10.03.2010 due to the death of the Appellant and pass further or other orders as this Honourable Court (in CMP.7737/2021 in SA.No.1362/1998)

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.R.RAGHUNATHAN, Advocate for the petitioner and of M/S.A.VELMURUGAN Advocate for the 1st respondent the court made the following order:-

When the matter was taken up for hearing on 20.12.2021, it was submitted that the private notice ordered to the second and third respondents was returned with an endorsement insufficient address and again fresh notice was also ordered returnable by 06.01.2022.



2.Today, when the matter is taken up for hearing, the learned counsel for the appellant would state that the second and third respondents already vacated the premises.

3.The learned counsel for the appellant submitted that since the appellant died and the learned counsel for the appellant also subsequently died and no steps have been taken to bring record the legal representatives of the appellant, the Second Appeal was dismissed for default. Now, the learned counsel representing the appellant had filed an application to condone the delay of 3628 days in filing the restoration application and to bring on record the legal representatives of the deceased appellant.

4.Considering the submissions made, the delay is condoned and the Applications are allowed on payment of cost of Rs.5,000/- to the Legal Aid on or before **first week of February, 2022.**

5.Post the matter during the first week of February, 2022.

-sd/-
06/01/2022
/ TRUE COPY /

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

TO

1 THE DISTRICT MUNSIF,
PONNERI.

2 THE SUBORDINATE JUDGE,
TIRUVALLUR.

3 THE SECRETARY,
TAMIL NADU LEGAL SERVICE AUTHORITY,
HIGH COURT BUILDING,
HIGH COURT, MADRAS-104

Order
in
CMP.7737/2021 in SA.No.1362/1998

Date :06/01/2022

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
SDR 03.02.2022