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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Twentieth day of April Two Thousand Twenty Two

PRESENT

THE HON`BLE MRS.JUSTICE J.NISHA BANU

CMP.Nos.5092, 5093 and 5099 of 2022

IN CRP(PD).2100 of 2004

JANAKIRAMAN, [PETITIONER IN ALL THE PETITIONS]
S/O. LATE.GANESAN,
SAKTHI VINAYAGAR KOIL STREET,
VELANKANNI, NAGAPATTINAM DISTRICT.

Vs

1 KRANAVATHY, [RESPONDENTS IN ALL THE PETITIONS]
W/O. KARIKALAN,
D/O. LATE.GANESAN,
VIZHUNTHAMAVADI,
NAGAPATTINAM TALUK AND DISTRICT.

2 V.AYYASAMI PILLAI (SINCE DECEASED)

3 THILAKAVATHY,
W/O. LATE.GANESAN,
SRI SAKTHI VINAYAGAR KOIL STREET,
VELANKANNI, NAGAPATTINAM DISTRICT.

4 SUBRAMANIAN,
S/O. MUTHIAHPILLAI,
SAKTHI VINAYAGAR KOIL STREET,
VELANKANNI, NAGAPATTINAM DISTRICT.

5 A.SAVITHRI,
W/O. LATE.V.AYYASAMY PILLAI,
12, SAKTHI VINAYAGAR KOIL STREET,
VELANKANNI 611 111, NAGAPATTINAM DISTRICT.

6 A.VEERAPATHIRAN,
S/O. LATE.V.AYYASAMY PILLAI,
12, SAKTHI VINAYAGAR KOIL STREET,
VELANKANNI - 611 111,
NAGAPATTINAM DISTRICT.



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 768 days in filing the Petition to set-aside the abatement of the above Civil Revision Petition in C.R.P. (PD) No.2100 of 2004 caused consequent to the death of the Second Respondent V.Ayyasamy Pillai (IN CMP.No.5092 of 2022);

(ii) To set-aside the abatement of the above Civil Revision Petition in CRP (PD) No. 2100 of 2004 caused consequent to the death of the Second Respondent V.Ayyasamy Pillai (IN CMP.No.5093 of 2022) and

(iii) To bring Respondents Nos 5 and 6 herein, namely A.SAVITHRI and A.VEERAPATHIRAN, on record in the above Civil Revision Petition in CRP (PD) No. 2100 of 2004 as legal representatives of the deceased Second Respondent V.Ayyasamy Pillai, and rank them as Respondents 5 and 6 in the above CMP.No.5099 of 2022.

Order : These petitions coming on this day for hearing upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.B.K.SREENIVASAN, Advocate for the Petitioner in all the Petitions, the court made the following order:-

The petition in CMP.No.5092 of 2022 has been filed by the petitioner to condone the delay of 768 days to file a petition to set aside the abatement caused due to the death of the second respondent, CMP.No.5093 of 2022 has been filed to set aside the abatement and CMP.No.5099 of 2022 has been filed to bring on record the legal representatives of the deceased second respondent.

2. The learned counsel for the petitioner submitted that the second respondent died on 14.09.2019 and due to subsequent pandemic situation, the petitioner was not able to take steps to implead the legal representatives of the deceased second respondent. Hence, the delay has occurred and the same is neither willful nor wanton.

3. Considering the submissions made by the learned counsel for the petitioner and on perusal of the affidavit filed in support of the petitions, the delay is condoned on payment of cost of Rs.2000/- [Rupees two thousand only] to the Tamil Nadu Legal Services Authority, Chennai, within a period of two weeks from the date of receipt of a copy of this Order, failing which these petitions stand automatically dismissed, without any reference to this Court. On payment of cost, the other petitions are ordered as prayed for.

-sd/-

20/04/2022

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



TO

THE PRINCIPAL SUBORDINATE JUDGE,
NAGAPATTINAM.

COPY TO

THE SECRETARY,
TAMIL NADU STATE LEGAL SERVICE AUTHORITY,
HIGH COURT, MADRAS-104.

Order
in
CMP.Nos.5092, 5093 and 5099 of 2022

IN CRP(PD).2100 of 2004

Date :20/04/2022

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