



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Eighth day of April Two Thousand Twenty Two

PRESENT

THE HON`BLE MRS.JUSTICE J.NISHA BANU

CMP.Nos.5890, 5894 and 5895 of 2022

IN CMA.No.2698 of 2016

N.MARIMUTHU (DECEASED) [PETITIONERS IN ALL THE PETITIONS]
REP. BY HIS LEGAL REPRESENTATIVES

1 M.SAROJA,
W/O.LATE MARIMUTHU, NO.18/9, RAMANUJAM ROAD,
POLLACHI, COIMBATORE DISTRICT.

2 M.RAJARAJAN,
S/O.LATE MARIMUTHU, NO.18/9, RAMANUJAM ROAD,
POLLACHI, COIMBATORE DISTRICT.

Vs

TMT.S.MAYILATHAL, [RESPONDENT IN ALL THE PETITIONS]
W/O.SIVASAMY GOUNDER,
NO.5/116, MAKKINAMPATTI VILLAGE,
POLLACHI.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased

1.CMP No.5890 of 2022

To condone the delay of 700 days in setting aside the abatement caused due to the death of the sole Appellant in the pending disposal of the above appeal.

2.CMP No.5894 of 2022

To set aside the abatement caused by the death of the sole Appellant to bring the legal heirs of the sole Appellant in the pending disposal of the above appeal.

3.CMP No.5895 of 2022

To bring on record the legal heirs of the deceased sole Appellant as Proposed Appellant/Legal representatives in the above petition in CMA No.2698/2016 pending disposal of the Appeal.



Order : These petitions coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.M.VELMURUGAN, Advocate for the petitioners in all the petitions and of M/S.N.PONRAJ, Advocate for the Respondent in all the petitions, the court made the following order:-

The petition in CMP.No.5890 of 2022 has been filed by the petitioners to condone the delay of 700 days to file the petition to set aside the abatement caused due to the death of the sole appellant, CMP.No.5894 of 2022 has been filed to set aside the abatement and CMP.No.5895 of 2022 has been filed to bring on record the legal representatives of the deceased sole appellant.

2. Heard the learned counsel for the petitioners.

3. The learned counsel for the respondent has no objection in allowing the above petitions.

4. Considering the reasons stated in the affidavit filed in support of the petitions and the submissions made by the learned counsel for both sides, the petition filed to condone the delay of 700 days to file the petition to set aside the abatement caused due to the death of the sole appellant stands ordered, upon payment of costs of Rs.1,000/- (Rupees One 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 and consequently, other petitions are ordered. If the costs is not paid within the above stipulated time, all the petitions shall stand automatically dismissed, without further reference to this Court.

-sd/-

08/04/2022

/ TRUE COPY /

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

TO

THE DEPUTY COMMISSIONER LABOUR
(COMMISSIONER FOR WORKSMAN COMPENSATION)
COIMBATORE.



COPY TO

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

Order

in
CMP.Nos.5890, 5894 and 5895 of 2022

IN CMA.No.2698 of 2016

Date :08/04/2022

From 26.2.2001 the Registry is issuing certified
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PA (26/05/2022)