



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Twenty First day of January Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE A.A.NAKKIRAN

CMP.No.19794 of 2021

in A.S.No.2 of 2009

1 MEENATHAL (DIED) [PETITIONERS]

2 SHANMUGHA SETHU RAMASWAMI
S/O.LATE SINGAI CHIDAMBARAM PALLAVARAYAR
RESIDING AT PATTAGARARPUDUR, VEERANAMPALAYAM
VILLAGE AND POST, KANGAYAM TALUK,
ERODE DISTRICT.

3 MINOR PRETHIVI RAJ PALLAVARAYAR,
S/O.SHUNMUGHA SETHU RAMASWAMI, REP BY
THEIR GUARDIAN AND NEXT FRIEND FATHER
SHUNMUGHA SETHU RAMASWAMI,
RESIDING AT PATTAGARARPUDUR, VEERANAMPALAYAM
VILLAGE AND POST, KANGAYAM TALUK,
ERODE DISTRICT.

4 MINOR HARIKRISHNAN PALLAVARAYAR,
S/O.SHUNMUGHA SETHU RAMASWAMI, REP BY
THEIR GUARDIAN AND NEXT FRIEND FATHER
SHUNMUGHA SETHU RAMASWAMI,
RESIDING AT PATTAGARARPUDUR, VEERANAMPALAYAM
VILLAGE AND POST, KANGAYAM TALUK,
ERODE DISTRICT.

5 C.SUGANYADEVI
W/O.U.R.SADASIVAM, SAMBALA THOTTAM,
UNJAPPALAYAM, KANIYUR POST, KARUMATHAMPATTI
VIA, PALLADAM TALUK, COIMBATORE DISTRICT.

6 S.MOHAN
S/O.SHANMUGARAMASAMY, ARANMANAITHOTTAM,
UDAYAM, ALAMPALAYAM POST, MUTHUR VIA,
KANGAYAM TALUK, TIRUPUR DISTRICT.

7 KOUSALYA
W/O.VENKATACHALAM, KOSAVAMPALAYAM,
KOSAVAMPALAYAM POST, KANGAYAM VIA- 638 701.
TIRUPPUR DISTRICT.



1 JAYAN (DIED)

[RESPONDENTS]

2 MANJU MEERA

RESIDING AT JAYAN NIVAS, ELAMBAKAPPILLY POST,
VENGOOR WEST VILLAGE, KUNNATHUNAD TALUK,
ERNAKULAM DISTRICT-683 544, KERALA STATE.

3 ANJANA

RESIDING AT JAYAN NIVAS, ELAMBAKAPPILLY POST,
VENGOOR WEST VILLAGE, KUNNATHUNAD TALUK,
ERNAKULAM DISTRICT-683 544, KERALA STATE.

4 ADITYA JAYAN

RESIDING AT JAYAN NIVAS, ELAMBAKAPPILLY POST,
VENGOOR WEST VILLAGE, KUNNATHUNAD TALUK,
ERNAKULAM DISTRICT-683v544, KERALA STATE.

5 KAMALAMMA.G

RESIDING AT JAYAN NIVAS, ELAMBAKAPPILLY POST,
VENGOOR WEST VILLAGE, KUNNATHUNAD TALUK,
ERNAKULAM DISTRICT-683544, KERALA STATE.

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 423 days in filing an application to set aside the abatement caused due to the death of sole respondent namely K.Jayan in the above AS.NO.2 of 2009.(CMP.No.19794 of 2021)

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.R.KAMALANATHAN, Advocate for the petitioners and of MR.V.KADHIRVELU, Advocate for the Respondents, the court made the following order:-

This petition is filed to condone the delay of 423 days in filing the application to set aside abatement caused due to the death of the sole respondent in AS.No.2 of 2009.

2. Heard the learned counsel appearing for the petitioner and the respondents.

3. Having satisfied with the reasons stated in the affidavit filed in support of petition and after hearing the learned counsel for the petitioners, the delay is condoned and this petition is allowed on condition that the petitioners pay a sum of Rs.700/- (Rupees Seven Hundred only) in favour of the Legal Aid Services Authority attached to this Court on or before 28.01.2022. In the event of failure on the part of the petitioner in paying the said amount within the stipulated time, this petition shall stand dismissed automatically without any further reference to this Court.



WEB COPY

4. Post this matter 31.01.2022.

-sd/-
21/01/2022
/ TRUE COPY /

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

TO

1 THE ADDITIONAL DISTRICT AND
FAST TRACK COURT NO.III,
DHARAPURAM.

2 THE DISTRICT JUDGE,
ERODE.

COPY TO

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

Order
in
CMP.No.19794 of 2021
in A.S.No.2 of 2009

Date :21/01/2022

From 26.2.2001 the Registry is issuing certified
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GS(25/01/2022)