



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.680, 681 & 682 OF 2017

IN CRP(PD).NO.4777 OF 2015

1 T.M.ANBARASAN
S/O.MOHALINGAM,
REP.BY POWER AGENT
MR.C.N.RAMACHANDRAN,
NO.47, MUSLIM STREET,
KUNDRATHUR, CHENNAI - 69.

[PETITIONERS IN ALL THE PETITIONS]

2 A.TAMILMARAN
S/O.T.M.ANBARASAN,
REP.BY POWER AGENT,
MR.C.N.RAMACHANDRAN,
NO.47, MUSLIM STREET,
KUNDRATHUR, CHENNAI -69.

Vs

1 APPUCHETTY VAGAIYARAS
FISHERMEN OF THE PALAVAKKAM KUPPAM
REP.BY G.PUSHPANATHAN,
NO.4/148, NO.4/267,
PALAVAKKAM KUPPAM,
CHENNAI - 600 041.

[RESPONDENTS IN ALL THE PETITIONS]

2 P.SUDHAKAR RAO (DIED)

3 RAJENDRAN

4 GEETHA MURTHY

5 PUZHENTHI
INSPECTOR OF POLICE,
OFFICE AT PALLAVARAM POLICE STATION,
PALLAVARAM, CHENNAI - 43.

6 KUPPUSAMY,
INSPECTOR OF POLICE,
OFFICE AT TAMBARAM POLICE STATION,
TAMBARAM WEST, CHENNAI - 45.



7 B.VASUDEVAN

8 V.THILAKAM

9 PRUDHIVI VENKATA MOHANA KUMARI,

10 PRUDHIVI UDAYKUMAR

11 MACHARLA SIRISHA

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

(i)CMP.NO.680 OF 2017

To condone the delay of 70 days in filing the application to set aside the abatement caused by the death of Sudhakar Rao the 2nd respondent on 13.05.2016 in the above CRP(PD).NO.4777 OF 2015.

(ii)CMP.NO.681 OF 2017

To set aside the abatement caused by the death of Sudhakar Rao the 2nd respondent on 13.05.2016 in the above CRP(PD).NO.4777 OF 2015.

(iii)CMP.NO.682 OF 2017

To bring on record the legal heirs of the deceased Sudhakar Rao the second respondent viz. his wife Prudhivi Venkata Mohana Kumari and his son Prudhivi Udaykumar and daughter Macharla Sirisha as respondents 9 to 11 respectively in the above CRP(PD).NO.4777 OF 2015.

Order : These miscellaneous petitions coming on this day for hearing upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.N.MANOKARAN, Advocate for the petitioners in all the petitions and of M/S.V.RAMANA REDDY, Advocate for the 1st Respondent in all the petitions and of M/S.S.RAMESH Advocate for the 7th & 8th Respondents in all the petitions and of M/S.K.M.MOHAMMED ZIAUDDIN Advocate for the 9th to 11th Respondents in all the petitions, the court made the following order:-

The petition in CMP.No.680 of 2017 has been filed by the petitioners to condone the delay of 70 days to file a petition to set aside the abatement caused due to the death of the second respondent, CMP.No.681 of 2017 has been filed to set aside the abatement and CMP.No.682 of 2017 has been filed to bring on record the legal representatives of the deceased second respondent.

2. The learned counsel for the petitioners submitted that the second respondent died on 13.05.2016. When the petitioners sent notice in the Civil Revision Petition, the same has been returned with an endorsement "Died" and then only they came to know about the death of the 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 petitioners and on perusal of the affidavit filed in support of the petitions, the delay is condoned on payment of cost of Rs.500/- [Rupees five hundred only] to the Tamilnadu 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 the above cost, the other petitions are Ordered as prayed for.

-sd/-

20/04/2022

/ TRUE COPY /

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

TO

THE ADDITIONAL DISTRICT MUNSIF
ALANDUR.

COPY TO

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

Order
in
CMP.NOS.680, 681 & 682 OF 2017

IN CRP(PD).NO.4777 OF 2015

Date :20/04/2022

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