



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Fourth day of April Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.358 of 2022
IN
SA NO.1999 of 2002

BALAKRISHNAN

... PETITIONER/APELLANT

Vs

1. S.BALAMMAI NADACHI (DIED)

... SOLE RESPONDENT

2. PANCHALI

3. KANDHASAMY

4. ANANDHI

5. SARASWATHI

6. CHANDRA RAMAKRISHNAN

... RESPONDENTS 2 TO 6 /

PROPOSED RESPONDENTS 2 TO 6

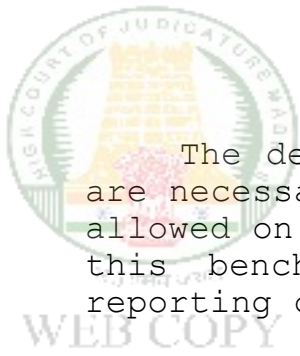
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 3179 days in filing the petition to set aside the abatement caused due to the death of the sole respondent Balammai Nadachi in the above main second appeal S.A. No.1999 of 2002.

PRAYER IN SA NO.1999 of 2002 :

To prefer this Memorandum of Second Appeal against the Judgment and decree of the Court of the Additional District Judge, Kanyakumari @ Nagercoil in A.S.No.12 of 2002 dated 25.07.2022 in reversing the well considered judgment and decree of the Court of the 1st Additional District Munsif, Nagercoil in O.S.No.1228 of 1996, dated 18.12.2001.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.RAGHAVACHARI, Advocate for the petitioner, the court made the following order:-

On the side of the petitioner, it is stated that the petitioner is unaware of the death of sole respondent. Only when the appeal was listed, the petitioner came to know that the respondent is dead and there is a delay of 3179 days and prayed the delay to be condoned.



The delay is more than 8 years, but the LR's of the respondent are necessary parties to the case. Hence, CMP(MD) No.358 of 2022 is allowed on payment of Rs.3,500/- to the Siddha Hospital, attached to this bench, on or before 12.04.2022. Call on 20.04.2022 "for reporting compliance".

On the side of the appellant, it is stated that the appellant is alive. But, on 07.01.2022, it was wrongly represented that the appellant was passed away.

Registry is directed to verify and carryout necessary amendment with regard to the appellant.

sd/-
04/04/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE ADDITIONAL DISTRICT JUDGE,
KANYAKUMARI @ NAGERCOIL
2. THE 1ST ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.

COPY TO :

THE OFFICER-INCHARGE,
SIDDHA HOSPITAL,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP(MD) No.358 of 2022 IN
SA NO.1999 of 2002
Date :04/04/2022

USK/VR/SAR-I/07.04.2022/2P/4C