



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

Friday, the Eighth day of April Two Thousand and Twenty Two
PRESENT

The Hon`ble Mrs.Justice R.THARANI

**CMP(MD) No.1031 of 2022
IN
SA.No.1331 of 2002**

K.SAMIKONAR (DECEASED SOLE APPELLANT)

1 SENDU

2 S.KRISHNAN

3 S.ARUMUGAM

4 LAKSHMI

5 MARIAMMAL

6 MURUGESAN

... PETITIONERS/APPELLANTS 1 TO 7

Vs

1 PITCHAI KONAR

2 MAHALINGAM (DIED)

3 NELLAI VADIVAMMAL (DIED)

... RESPONDENTS 1 TO 3/
RESPONDENTS 1 TO 3

4 M.BRAHMATCHASI

5 M.MARIYAMMAL

6 SUBBULAKSHMI

7 M.NALAAAYIRAM

8 PALAVESAM

9 M.MARUDHUPANDI

... RESPONDENTS 4 TO 9/LR's OF THE
2nd RESPONDENT/PROPOSED PARTIES

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 1090 days in filing the above petition to

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set aside the abatement caused due to the death of 2nd respondent in the above S.A.No.1331 of 2002, on the file of this Honourable Court and thus render justice.

PRAYER IN SA.No.1331 of 2002:

Pleased to set aside the decree and judgment dated 19.09.2001 rendered in A.S.No.38 of 1997 on the file of the Subordinate Judge, Ambasamudram, confirming the decree and judgment dated 28.07.1997 rendered in O.S.No.568 of 1988 on the file of the Additional District Munsif of Ambasamudram, by allowing this Second Appeal.

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.P.JESSI JEEVA PRIYA, Advocate for the petitioner, the court made the following order:-

On the side of the petitioner, it is stated that the petitioner is not aware of the death of the second respondent. Only when the same was informed by the learned counsel for the respondent, the petitioner came to know about the death of the second respondent and there is a delay of 1090 days.

2. The reasons stated are not satisfactory. Hence, this petition is allowed on payment of cost of Rs.1,000/- (Rupees One Thousand only) to the Siddha unit, attached to this Bench on or before 21.04.2022.

3. Call on 25.04.2022.

sd/-

08/04/2022

/ TRUE COPY /

/ /2022

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

TO

- 1 THE SUBORDINATE JUDGE, AMBASAMUDRAM.
- 2 THE ADDITIONAL DISTRICT MUNSIF, AMBASAMUDRAM.

COPY TO:

THE MEDICAL OFFICER, SIDDHA UNIT,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CMP(MD) No.1031 of 2022
IN
SA.No.1331 of 2002
Date :08/04/2022