



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

Wednesday, the Twentieth day of July Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.4831 of 2017
IN
AS No.1067 of 1986

MANGAYARKARASI

... PETITIONER/APPELLANT

Vs

1 DELHI MALAYAN (DIED)

2 SURIYAKUMAR (DIED)

3 THANAMMAL (DIED)

4 CHINNATHURAI NADAR,

5 VIJAYAN,

6 VADAMALAI,

7 VIGNESWARA TRADERS,

...RESPONDENTS/RESPONDENTS

8 D.KANAGARATHINAM,

9 M.AMSAVALLI,

10 G.HEMALATHA,

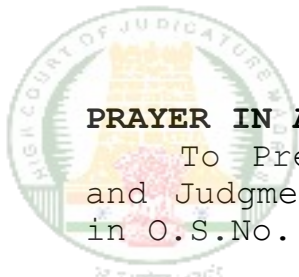
11 S.SELVI,

12 SABARIGIRI

13 PURNASENTHILKUMAR,

... RESPONDENTS 8 TO 13
/ PROPOSED RESPONDENTS 8 TO 13

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 3340 days to set aside the abatement caused due to the death of 1st respondent namely Delhi Malayan.

**PRAYER IN AS No.1067 of 1986:**

To Prefer this Memorandum of First Appeal against the Decree and Judgment of the Learned Subordinate Judge, Dindigul and passed in O.S.No. 939 of 1979 dated 30th July 1986.

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 MR.SO.PARAMASIVAM, Advocate for the petitioner, the court made the following order:-

This petition is filed to condone the delay of 3340 days in filing the petition to set aside the abatement caused due to the death of the deceased 1st respondent, namely, Delhi Malayan in A.S.No.1067 of 1986.

2.Report received from the learned Principal District Judge, Madurai shows that action has been taken against the Amina and he is now under suspension.

3.The proposed respondents 8 to 10 have entered appearance through the learned counsel and they have not filed any objection or counter. Though the reasons stated in the accompanying affidavit are not satisfied, in order to give an opportunity to the legal representatives of the deceased 1st respondent, this Civil Miscellaneous Petition is allowed on condition that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of C.M.P.(MD)No.4831 of 2017 before the Registry, within a period of one week from today (20.07.2022), failing which this petition shall stand dismissed for default automatically without further reference to this Court.

4.Post the matter on **29.07.2022** for reporting compliance.

sd/-

20/07/2022

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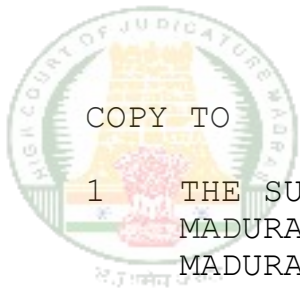
/07/2022

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

TO

1 THE SUBORDINATE JUDGE,
DINDIGUL

2 THE PRINCIPAL DISTRICT JUDGE,
MADURAI.



CMP(MD)



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COPY TO

1 THE SUB ASSISTANT REGISTRAR(AE)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

2 THE SECTION OFFICER,
JUDICIAL SECTION
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

3 THE SECTION OFFICER
ACCOUNTS SECTION
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP(MD) No.4831 of 2017
IN
AS No.1067 of 1986
Date :20/07/2022

Myr
PKP/SVR/SAR-3/22.07.2022/3P/6C