



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.728 of 2021

IN

SA No.236 of 1998

GOPALAKRISHNASAMI

... PETITIONER/APELLANT

Vs

1 E.VENKATASAMI NAICKER (DIED)

2 RANGASWAMI NAICKER

3 SUBRAMANIA NAICKER

4 VENKATASAMI

5 KRISHNASWAMI

6 RAMASWAMI (DIED)

7 DHANUSHKODI

8 LAKSHMANAN

9 ELLAPPA NAICKER (DIED)

10 E.VENKATASWAMI

11 E.NAVANEETHAKRISHNAN

12 E.GURUVAMMAL

13 JANAKI

14 MINOR.VENKATESH,

15 MINOR.BHUVANESHWARI,

(MINER RESPONDENTS 14 AND 15 ARE
REPRESENTED BY THEIR MOTHER AND
NATURAL GUARDIAN 13th RESPONDENT)



16 THAYAMMAL (DIED)

17 AVUDAIAMMAL (DIED)

18 THIRUPPATHI

19 SETHURAJ

20 RAJAVELUCHAMY

21 RAMASUBBU

... RESPONDENTS 1 TO 21/RESPONDENTS
1 TO 21

22 KRISHNASAMY

23 SUBBALAKSHMI

24 SUBBURATHINAM

25 ADHILAKSHMI

26 THARMARAJ

... RESPONDENTS 22 TO 26/
PROPOSED RESPONDENTS 22 TO 26

27 KOSALAI

28 JEYALAKSHMI

29 MUTHELRAJ

30 RAJAGURU

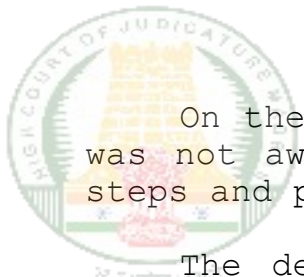
... RESPONDENTS 27 TO 30/
PROPOSED RESPONDENTS 27 TO 30

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 1474 days in seeking to set aside the abatement of SA.No. 236 of 1998 caused by the death of the 16th respondent.

PRAYER IN SA.No.236 of 1998:

Pleased to allow the above Second Appeal, setting aside the Judgment and Decree of the Learned Principal Subordinate Judge, Srivilliputhur dated 27.08.1997 confirming the Judgment and decree of the Learned Additional District Munsif, Srivilliputhur dated 19.02.1996 in O.S.No.677 of 1994 and to dismiss the said suit.

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.T.M.HARIHARAN, Advocate for the petitioner, the court made the following order:-



On the side of the petitioner, it is stated that the petitioner was not aware of the death of R16 and there is a delay in taking steps and prayed the delay to be condoned.

The delay is 1474 days. Reasons stated are not satisfactory. But the LR's of deceased R16 are necessary to the case. Hence, CMP (MD).No.728 of 2021 is allowed on condition of payment of Rs.1,000/- to the Siddha Hospital, attached to this Court on or before 21.04.2022.

Call on 25.04.2022 "for reporting compliance"

sd/-
08/04/2022

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL SUBORDINATE JUDGE,
SRIVILLIPUTHUR.
- 2 THE ADDITIONAL DISTRICT MUNSIF
SRIVILLIPUTHUR.

COPY TO:

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

ORDER

IN

CMP (MD) No.728 of 2021
IN
SA No.236 of 1998
Date :08/04/2022

SA/JM/SAR.2/13.04.2022/3P/4C