



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Monday, the Twenty Seventh day of June Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

C.M.P(MD)No.3460 of 2019

in

A.S(MD)No.183 of 2015

P.VELLAMMAL

... PETITIONER/APPELLANT

Vs

1 R.S.NITHYANANTHAM (DIED)

... 1st RESPONDENT/RESPONDENT

2 TIRUPPATHI DEVI

3 KAMESHKUMAR

4 LAVANYA

5 ASWINI

6 RASHYAMANI AMMAL

... RESPONDENTS 2 TO 6 / PROPOSED

RESPONDENTS 2 TO 6 &

LEGAL HEIRS OF DECEASED 1st RESPONDENT

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 314 of days in filing an application for setting aside the abatement of the above as against the deceased sole Respondent.

Prayer in AS(MD) No.183 of 2015 :

To submit this Memorandum of First Appeal before this Hon'ble Court against the Judgment and Decree dated 30.04.2012 passed in O.S.No.11 of 2008 on the file of the 2nd Additional District Judge, Thoothukudi and set aside the same.

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.G.PRABHU RAJADURAI, Advocate for the petitioner, the court made the following order:-

This Petition is filed seeking to condone the delay of 314 days for filing the petition to set aside the abatement of the sole respondent.

2. Though the reasons stated in the affidavit is not satisfied, however, in order to give an opportunity to the petitioner to



contest the appeal, the delay of 314 days in filing the petition to set aside the abetment of the sole respondent is condoned with the following conditions:-

(i) that the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as costs before the Registry to the credit of C.M.P(MD)No.3460 of 2019 within ten days, failing which, this Petition shall stand automatically dismissed without further reference to this Court.

3. Post the matter on 12.07.2022 for reporting compliance.

sd/-
27/06/2022

/ TRUE COPY /

/06/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE 2ND ADDITIONAL DISTRICT JUDGE,
THOOTHUKUDI

COPY TO:

- 1 THE ADDITIONAL REGISTRAR GENERAL,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 2 THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP (MD) No.3460 of 2019
IN
AS (MD) No.183 of 2015
Date :27/06/2022

MK/JM/SAR.II/30.06.2022/2P/5C