



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

Thursday, the Seventh day of July Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.5165 of 2019
IN
AS(MD) No.173 of 2007

1. D.CHAKKARAVARTHY ... 1st PETITIONER/1st APPELLANT
D.MAHUDAPATHY (DIED) ... 2nd APPELLANT IN AS
2. M.MOHITH ... 2nd PETITIONER/PROPOSED 3rd
APPELLANT LR OF DECEASED
2nd APPELLANT

Vs

ANNALAKSHMI (DIED) ... 1st RESPONDENT IN AS

1. VIJAYARENGANATHAN
2. PAULPANDIAN
3. M.KALIDHAS
4. M.GURUSAMY
5. M.PANCHAVARANAM
6. M.CHIDAMBARAM
7. G.JEYARAMAN
8. NAVAMANI
9. SHANTHI
10.SUMATHI
11.V.R.J.VENKATESAN
12.J.SENTHILKUMAR
13.J.GEETHARANI
14.V.GOPAL
15.VASANTHI
16.SUBRAMANIAN
17.BOSE
18.LAKSHMIAMMAL
19.K.SUBRAMANIYAN
20.R.KUMARASAMY @ SELVAM
21.P.SURULIRAJAN
22.C.SUNDARAJ
23.M.RAVI
24.LOGAMATHA
25.NAVAMANI



27.V.KANNAN

... RESPONDENTS 1 TO 27
RESPONDENTS 2 TO 28

V.JEYARAMACHANDRAN (DIED)

... 29th RESPONDENT IN AS

28.V.RAGHAVAN

29.JAYALAKSHMI

30.DHANARANJANI

31.VISHNU

... RESPONDENTS 29 TO 31 /
PROPOSED RESPONDENTS 31-33
LRS OF DECEASED 29th 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 of 814 days in filling the petition to set aside the abatement caused due to the death of 29th respondent in AS namely V.Jeyaramachandran.

Prayer in AS(MD). 173/ 2007 :

To set aside the Judgment and Decree dated 15/02/2007 made in OS.362/2004 on the file of the Additional District Court, Madurai (Fast Track Court No.II) Madurai by allowing this appeal with costs and thus render justice.

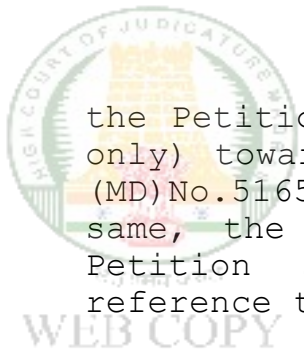
ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.VIJAYANAND, Advocate for the petitioners, the court made the following order:-

This petition has been filed to condone the delay of 814 days in filing the petition to set aside the abatement caused due to the death of the 29th respondent in A.S(MD)No.173 of 2007.

2. Though private notice was ordered, affidavit of service was not filed. R2 to R6, R8 to R17 and R19 to R23 have been given up. Respondents 24, 29 to 31 name have been printed in the cause list. However, the learned counsel for the petitioner would submit that some of the respondents name have been wrongly printed in the cause list. Registry is directed to verify the cause title in the petition and correct the mistake, if any.

3. Though proposed respondents served, name printed, none appeared. The learned counsel for the first respondent would submit that R1 died and he is not in a position to say the date of death and the legal representatives of R1.

4. Though the reasons stated in the affidavit filed in support of the Petition are not satisfied, however, in order to give an opportunity to bring on record the legal representatives of the deceased 29th respondent, this Petition is allowed on condition that



the Petitioners shall pay a sum of Rs.5,000/- (Rupees Five thousand only) towards costs before the Registry to the credit of the C.M.P (MD) No.5165 of 2019 within 10 days from today and on deposit of the same, the petition shall stand allowed and failing which, the Petition shall stand automatically dismissed without further reference to this Court.

5. In case, the first respondent died in the main appeal, the appellants are directed to take steps to bring on record the legal representatives of the first respondent in the main appeal.

6. Memo of compliance report has to be filed on or before 20.07.2022. List the matter on 22.07.2022.

sd/-
07/07/2022

/ TRUE COPY /

/07/2022

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

TO
THE ADDITIONAL DISTRICT JUDGE,
(FAST TRACK COURT NO.II), MADURAI.

COPY TO :

1. THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
2. THE SUB-ASSISTANT REGISTRAR,
A.E. SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
3. THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
4. THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CMP(MD) No.5165 of 2019
IN
AS(MD) No.173 of 2007
Date :07/07/2022

AM

<https://www.mca.gov.in/II/11.07.2022/3P/6C>