



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

Thursday, the Thirty First day of March Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

C.M.P. (MD) No.7372 of 2021
in
S.A.No.1822 of 2000

1 R.M.SUBBIAH AMBALAM (DIED)

2 ASHOKAN

3 RAKKAPPAN

4 V.SUBBIAH (DIED)

5 R.LAKSHMANAN

... PETITIONERS / APPELLANTS

6 SP.KARUPPAYIE

7 RM.SAVITHIRI

8 RM.SUBBIAH

9 RM.MEENATCHI

10 YASOTHAI

... PETITIONERS /
PROPOSED APPELLANT

Vs

1 C.KAMALANATHAN (DIED) ,

2 C.KRISHNAN (DIED)

3 C.RAJAGOPAL (DIED)

4 K.KAMALAM

5 K.KARTHIKEYAN

6 K.VEERAPANDIYAN

7 K.AMUTHA



9 R.SUNDARAMMAL

10 R.SANGEETHA

... RESPONDENTS / PROPOSED RESPONDENTS

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 6268 days in filing the petition to set aside the abatement caused due to the death of the 1st appellant in SA(MD)No.1822 of 2000.

PRAYER IN S.A.No.1822 of 2000:

To set aside the judgment and decree of the Learned Principal District Judge, Sivagangai dated 30.07.99 in A.S.No.17/99 reversing the Judgment and decree dated 24.09.98 of the Learned Subordinate Judge, Devakottai in O.S.No.88/99 and restore the Judgment and decree in O.S.No.88/97 dated 27.09.98 of the Learned Subordinate Judge, Devakottai.

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.AL.GANTHIMATHI, Advocate for the petitioner, the court made the following order:-

There is a delay of 6268 days in taking steps for the deceased first appellant.

2.The appeal is pending from the year 2000. The delay in filing the petition for taking steps for the first appellant is inordinate and the reasons are not satisfactory. But for giving an opportunity for the appellant to put forth their case, one more chance is granted in the interest of justice.

3.The petition is allowed on condition that the petitioner to pay a sum of Rs.6,000/- (rupees Six Thousand only) in favour of the Siddha Unit attached to this Bench on or before 08.04.2022, failing which the order now passed will stand automatically vacated.

4.Call on 12.04.2022.

sd/-
31/03/2022

/ TRUE COPY /

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



TO

1 THE PRINCIPAL DISTRICT JUDGE,
SIVAGANGAI.

2 THE SUBORDINATE JUDGE,
DEVAKOTTAI.

COPY TO:

THE OFFICER INCHARGE,
SIDDHA WING,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

C.M.P. (MD) No.7372 of 2021
in

S.A.No.1822 of 2000

Date :31/03/2022

pnn

MK/PN/SAR.II/06.04.2022/3P/4C