



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

Tuesday, the Fifth day of July Two Thousand and Twenty Two

PRESENT

WEB COPY

The Hon`ble Mr.Justice **P.VELMURUGAN**

CMP(MD) No.5596 of 2022

in

A.S(MD)No.127 of 2009

1 ANNAMALAI

2 THANGAM (DIED)

3 MOOKKAYEE

4 PALANIAMMAL (DIED) ...PETITIONERS 1 TO 4/APPELLANTS

5 T.GANDHIMATHI

6 G.BOOMA DEVI

7 JOTHI

8 G.SHANMUGAPRIYA

9 T.GOMATHI

10 T.SAHADDEVAN ... PETITIONERS 5 TO 10/PROPOSED APPELLANTS

Vs

1 VELLAIAMMAL

2 DHANAMAMMAL

3 REDDIAMMAL

4 ALAMELU

5 JAYA

6 SUBRAMANI

7 SUNDARAMMAL

8 RAJARAJAN

9 POORNAM ...RESPONDENTS 1 TO 9/RESPONDENTS



10 MUTHU

11 THAVAPANDI

12 KRISHNAMOORTHY (EX.WRITER)

13 RAMAKRISHNAN

14 PRITHVIRAJ

... RESPONDENTS 10 TO 14/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 280 days in filing the petition to set aside the abatement caused due to the death of the 2nd appellant in AS(MD).No.127 of 2009.

Prayer in AS(MD). 127/ 2009 :

To call for the records and set aside the judgment and decree dated 31.08.2004 in O.S.No.40 of 2004 on the file of the Principal District Judge, Dindigul and dismiss the suit with costs throughout.

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.H.LAKSHMI SHANKAR, Advocate for the petitioner and of M/S.G.GOMATHISHANKAR, Advocate on behalf of the Respondent Nos.1 to 5, the court made the following order:-

This petition has been filed to condone the delay of 280 days in filing the petition to set aside the abatement caused due to the death of the 2nd appellant in A.S(MD)No.127 of 2009.

2. The learned counsel appearing for the petitioners would submit that copy of the affidavit and petition has been served to the counsel for the contesting respondents.

3. Though copies were served to the counsel for the respondents, he has not filed any counter. The learned counsel appearing for the contesting respondents has no objection for allowing this petition.

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 2nd appellant, 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.5596 of 2022 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.



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CMP(MD)



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5. List the matter on 19.07.2022 for filing compliance report.
sd/-
05/07/2022

/ TRUE COPY /

/07/2022

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

TO

THE PRINCIPAL DISTRICT JUDGE,
DINDIGUL.

COPY TO

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

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

ORDER
IN
CMP(MD) No.5596 of 2022
in
A.S(MD)No.127 of 2009
Date :05/07/2022

RK/SVR/SAR-IV/07.07.2022 : 6P/4C