



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

Wednesday, the Tenth day of August Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.6116 of 2022

IN

AS(MD)No.297 of 2008

MATHIVANAN

... PETITIONER/APPELLANT

Vs

1 DEIVANAI (DIED)

2 RETHINATHAMMAL (DIED)

3 CHINNAYAN

4 SIVABAGYAM (DIED)

5 SARAVANAN (DIED)

6 RAJAMMAL (DIED)

7 THAMBUCHAMI (DIED)

8 SAMIKANNU

... RESPONDENTS/RESPONDENTS

9 R.MEENAKSHI

... 9th RESPONDENT/LRs.OF 2nd 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 939 days in filing the petition to set aside the abatement caused due to the death of the 2nd respondent in the above First Appeal in the above A.S.(MD) No. 297 of 2008.

PRAYER IN AS(MD) .297/2008:

To prefer this Memorandum of Regular Appeal against the judgment and decree of the Learned Sub Judge, Pattukottai dated 14/02/1991 and made in O.S.No.55/1987.

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.P.THIYAGARAJAN, Advocate for the petitioner, the court made the following order:-



This petition is filed to condone the delay of 939 days in filing the application to set aside the abatement caused due to the death of the second respondent in A.S.(MD)No.297 of 2008.

2. Though private notice served and the name of the respondents also printed in the cause list, none appeared for them.

3. The reasons stated in the accompanying affidavit is not satisfied, in order to give an opportunity to the parties to resolve their dispute, this Court is inclined to allow this Civil Miscellaneous Petition. Accordingly, the same is allowed, on condition that the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the credit of C.M.P.(MD)No.6116 of 2022 before the Registry, within a period of 10 days, failing which, this petition shall stand dismissed for default, automatically without further reference to this Court.

sd/-

10/08/2022

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/08/2022

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

TO

THE SUBORDINATE JUDGE, PATTUKKOTTAI.

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.6116 of 2022 IN
AS(MD)No.297 of 2008
Date :10/08/2022
(3/5)

tta

SA/JM/SAR.2/12.08.2022/2P/6C

<https://www.mhc.tn.gov.in/judis>