



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

Wednesday, the Thirteenth day of July Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

C.M.P(MD)No.5838 of 2022
in
A.S(MD)No.42 of 2012

S.PAKALAVAN

... PETITIONER/APPELLANT

Vs

M.SETHURAMAN (DIED)

...1st RESPONDENT

1. P.VIJAYAMANI,

...1st RESPONDENT/2nd RESPONDENT

2 S.NAGARATHINAM

...2nd RESPONDENT/PROPOSED 3rd 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 2693 days in filing the application to set aside the abatement caused due to the death of the 1st Respondent namely Sethuraman in A.S. No. 42 of 2012 on the file of this Honourable Court.

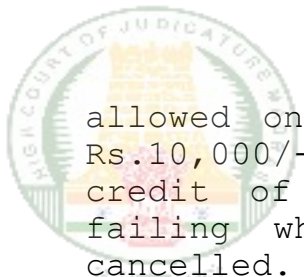
PRAYER IN AS(MD)No.42 of 2012:

Pleased to set aside the judgment and decree dated 18.06.2010 in O.S.No. 514 of 2004 on the file of Additional District Court/Fast Track Court No.2, Madurai by allowing this First Appeal.

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.T.SELVAN, Advocate for the petitioner, the court made the following order:-

This petition has been filed to condone the delay of 2693 days in filing the application to set aside the abatement caused due to the death of the first respondent.

2.Though, notice was served on the respondents, counter affidavit was not yet filed. The reasons stated in the accompanying affidavit are not satisfied. However, in order to give one more opportunity to the petitioner to bring on record, the legal representatives of the deceased first respondent, this petition is



allowed on condition that the petitioner shall deposit of Rs.10,000/- (Rupees Ten Thousand only), before the registry, to the credit of C.M.P.(MD)No.5838 of 2022, on or before 27.07.2022, failing which the order now passed shall stand automatically cancelled.

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3.List the matter on 28.07.2022, 'for reporting compliance'.

sd/-

13/07/2022

/ 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.2, MADURAI.

COPY TO

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

ORDER

IN

C.M.P (MD) No.5838 of 2022

in

A.S (MD) No.42 of 2012

Date :13/07/2022

PNN

PKP/JM/SAR-2/18.07.2022/2P/5C