



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

Friday, the Fifth day of August Two Thousand and Twenty Two

PRESENT

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

CMP(MD) No.6045 of 2022  
in  
A.S(MD)No.70 of 2012

|                           |                                                                                               |
|---------------------------|-----------------------------------------------------------------------------------------------|
| 1. P.R.JEGANNATHAN (DIED) | ... SOLE APPELLANT                                                                            |
| 2. J.SUBATHRA DEVI        |                                                                                               |
| 3. R.J.RAJABADRINATH      |                                                                                               |
| 4. R.PADMARANI            |                                                                                               |
| 5. J.SRIVENKATESWARA BABU | ... 2 TO 5 PETITIONERS/PROPOSED<br>APPELLANTS 2 TO 5 & LR's OF<br>THE DECEASED SOLE APPELLANT |

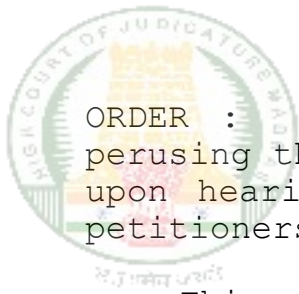
Vs

|                          |                                                                                                          |
|--------------------------|----------------------------------------------------------------------------------------------------------|
| 1. P.R.RAMANATHAN (DIED) | ... 1 <sup>st</sup> RESPONDENT                                                                           |
| 2. R.DHANDAPANI          | ... 2 <sup>nd</sup> RESPONDENT                                                                           |
| 3. SULOCHANA             | ... 3 <sup>rd</sup> RESPONDENT                                                                           |
| 4. CHANDRA               | ... 4 <sup>th</sup> RESPONDENT                                                                           |
| 5. SUBATHRA              |                                                                                                          |
| 6. REVATHI               |                                                                                                          |
| 7. R.MURALI MOHAN        | ... 5 to 7 RESPONDENTS/<br>RESPONDENTS                                                                   |
| 8. SHIYAMASAI SUNDAR     |                                                                                                          |
| 9. SATHYANARAYANAN       |                                                                                                          |
| 10.GANESH RAJKUMAR       | ... 8 TO 10 RESPONDENTS/PROPOSED<br>RESPONDENTS 8 TO 10 & LRS<br>OF DECEASED 1 <sup>st</sup> 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 1661 days in filing the petition to set aside the abatement caused due to the death of 1st respondent/ P.R.Ramanathan in the Appeal Suit in A.S.(MD) No.70/2012.

**PRAYER IN A.S(MD)No.70 of 2012 :**

Pleased to set aside the judgment and decree dated 28.12.2011 passed in O.S.No.18 of 2008 on the file of the Additional District and Sessions Court, Fast Track Court, Periyakulam by allowing this appeal and decree the suit in O.S.No.18 of 2008 on the file of the Additional District and Sessions Court, Fast Track Court, Periyakulam.



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

This petition has been filed to condone the delay of 1661 days in filing the petition to set aside the abatement caused due to the death of the 1<sup>st</sup> respondent in A.S(MD)No.70 of 2012.

2. Though notice has been ordered and the batta has not been paid within the time, however, the learned counsel for the petitioners would submit that the proposed respondents are the appellants in A.S(MD)No.65 of 2012 and that appeal is also listed today at Serial No.21 in the cause list. Since the proposed respondents are already on record in the other appeal and the counsel on record is also present in that appeal and he takes notice for the proposed respondents.

3. 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 1<sup>st</sup> respondent, this Petition is allowed on condition that the Petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) towards costs before the Registry to the credit of the C.M.P (MD)No.6045 of 2022 on or before 17.08.2022 and on deposit of the same, the petition shall stand allowed, failing which, the Petition shall stand automatically dismissed without further reference to this Court.

4. List the matter on 18.08.2022 for filing compliance report.

sd/-  
05/08/2022

/ TRUE COPY /

/08/2022  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,  
FAST TRACK COURT, PERIAKULAM.

COPY TO :

1. THE SUB-ASSISTANT REGISTRAR,  
A.E. SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CMP(MD)



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

WEB COPY

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

ORDER

IN

CMP(MD) No.6045 of 2022 in

A.S(MD)No.70 of 2012

Date :05/08/2022

AM

USK/JM/SAR-I/11.08.2022/3P/5C