



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

Tuesday, the Nineteenth day of July Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.6166 of 2022

IN

AS(MD) No.106 of 2012

WEB COPY

1 V.SUNDARAM
2 V.JEYARAMAN
3 V.MARIMUTHU (DIED)
4 MUNIAMMAL
5 CHITRA
6 BALAMURALI

... PETITIONERS/APPELLANTS 1 TO 4

... PETITIONERS/PROPOSED APPELLANTS 4 & 5

Vs

1 LAKSHMIAMMAL
2 M.DHANDAPANI
3 M.SHANMUGAVEL
4 M.MAYILSAMY

... RESPONDENTS/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 2140 days in filing the petition to set aside the abatement caused due to the death of the 3rd Appellant in the above Appeal in A.S.(MD).No.106 of 2012.

Prayer in AS(MD) No.106 of 2012 :

To prefer the above Memorandum of Grounds of First Appeal against the Judgment and Decree passed in O.S.No.50 of 2008 dated 31.10.2011 on the file of the Fast Track Court, Dindigul.

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.C.SUNDARAVADIVEL, Advocate for the petitioners, the court made the following order:-

This Petition is filed to condone the delay of 2140 days in filing the Petition to set aside the abatement caused due to the death of the third appellant in the above appeal suit in A.S(MD) No.106 of 2012.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court. Though the copy was served on the respondents, they have not filed any counter affidavit.



CMP(MD)



22

3. Though the reasons stated in the accompanying affidavit in support of this Petition is not satisfactory, in order to give an opportunity to the Petitioner/appellant to contest the matter on merits and to proceed with the appeal suit, this Petition is allowed subject to the condition that the Petitioner/appellant deposits a sum of Rs.10,000/- towards costs to the credit of the above C.M.P within ten days ie., on or before 3.8.2022.

4. List the matter on 5.8.2022 under the caption ''for compliance''.

sd/-

19/07/2022

/ TRUE COPY /

/07/2022

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

TO

THE JUDGE, FAST TRACK COURT, DINDIGUL.

ORDER

IN

CMP(MD) No.6166 of 2022

IN

AS(MD) No.106 of 2012

Date :19/07/2022

RS/VR/SAR.2 (21.07.2022) 2P-2C