



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

Monday, the Fourth day of July Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

WEB COPY

CMP(MD) No.7482 of 2021

IN

AS(MD) No.35 of 2014

BABY JANAKIRAMAN

... PETITIONER/APELLANT

Vs

1 VIJAYAKUMAR

2 LAKSHMI @ JANSI RANI

3 RAVISHANKAR

4 UDAYASHANKAR

5 SURIYAKUMARI

6 SHANTHA (DIED)

... RESPONDENTS/RESPONDENTS/

7 JALAJA

... 7th RESPONDENT/7th RESPONDENT

8 J.MURALI

... 8th RESPONDENT/PROPOSED 8th 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 353 days in seeking to set aside the abatement caused by the death of the deceased 6th respondent in AS (MD)No.35 of 2014 on the file of this Honourable Court.

PRAYER IN AS (MD) .35/2014:

Pleased to set aside the judgment and decree dated 30.09.2013 made in O.S.No.45 of 2007 on the file of III Additional District Judge, Trichy, allow the appeal suit.

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.S.SRINIVASA RAGHAVAN, Advocate for the petitioner, the court made the following order:-

This petition is filed to condone the delay of 353 days in seeking to set aside the abatement caused by the death of the deceased 6th respondent in A.S.(MD)No.35 of 2014.

2.The proposed 8th respondent is the legal representative of the deceased 6th respondent. Though notice sent to the proposed 8th respondent was served and his name was also printed in the cause list, none appeared for him.



3. Though the reasons stated in the affidavit filed in support of this petition are not satisfied, in order to give one more opportunity to the petitioner to bring the proposed 8th respondent as legal representative of the deceased 6th respondent on record, this Civil Miscellaneous Petition is allowed and the delay of 353 days is condoned on condition that the petitioner / appellant shall deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) before the Registry to the credit of C.M.P.(MD)No.7482 of 2021, on or before 15.07.2022, failing which the appeal shall stand dismissed for default automatically without further reference to this Court.

4. The Registry is directed to utilise the said amount for furnishing cook vessels, like Can, tumbler, cleaning articles etc., and also for other provisions to the Siddha Clinic situated in the campus of this Court.

5. List the matter on 18.07.2022 for reporting compliance.

sd/-

04/07/2022

/ TRUE COPY /

/07/2022

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

TO

THE III ADDITIONAL DISTRICT JUDGE, TRICHY.

COPY TO:

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

ORDER IN

CMP(MD) No.7482 of 2021
IN
AS(MD) No.35 of 2014
Date :04/07/2022

SA/PN/SAR.2/05.07.2022/2P/6C

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