



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

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

PRESENT

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The Hon`ble Mr.Justice P.VELMURUGAN

C.M.P (MD) Nos.312, 8559 and 8562 of 2018
in
A.S.No.925 of 2001

S.NATARAJAN

... PETITIONER/APELLANT
IN ALL THE PETITIONS

Vs

1 SIVANANDI THEVAR (DIED)
2 M.S.RAJESWARI
3 M.S.VASANTHA
4 M.S.PANDI
5 M.S.MANOCHARAN
6 M.S.SUBBULAKSHMI
7 R.SUGANTHA
8 N.PONNUVEL (DIED)
9 N.SANKARA PANDIAN

10 KARUR VYSYA BANK LTD
CHINNAMANUR
REP.BY ITS BRANCH MANAGER,
275,MAIN ROAD, CHINNAMANUR,
UTHAMAPALAYAM TALUK,
THENI DISTRICT.

11 STATE BANK OF INDIA,
MADURAI CITY,
REP.BY ITS BRANCH MANAGER,
JONES BUILDING, EAST VELLY STREET,
MADURAI.

12 N.KADIRESAN
13 S.NEELAMEGHA THEVAR (DIED)

... RESPONDENTS/RESPONDENTS
IN ALL THE PETITIONS

14 JAYALAKSHMI
15 P.SWAMINATHAN
16 P.RAJANARAYANAN

... RESPONDENTS 14 TO 16/
PROPOSED RESPONDENTS
14 TO 16 (LR OF R8)
IN CMP (MD) Nos.8559 & 8562/2018



17 N.CHINADURAI



... 17th RESPONDENT/PROP
RESPONDENT (LR OF R13)
IN CMP(MD) Nos.8559 & 8562/2018

Prayer in CMP(MD) . 312/2018 :

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone 96 days delay in filing application to Restore AS.No.925 of 2001 which is dismissed for default on 26.4.2017.

Prayer in CMP(MD) .8559/ 2018 :

Pleased to condone the delay of 1558 days in filing the application to set aside the abatement caused due to the death of 8th respondent in A.S.No.925 of 2001 on the file of this Honble Court.

Prayer in CMP(MD) . 8562/2018 :

Pleased to condone the delay of 5568 days in filing the application to set aside the abatement caused due to the death of 13th respondent in A.S.No.925 of 2001 on the file of this Honble Court.

PRAYER IN AS.No.925/2001:

To prefer this Memorandum of Grounds of Regular First Appeal against the Judgment and Decree of the Principal Subordinate Judge's Court at Madurai dated 08.03.2001 made in O.S.No.133 of 1992.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.K.GOVINDARAJAN, Advocate for M/S.SARVABHAUMAN ASSOCIATES, for the petitioner in All the petitions, the court made the following order:-

(i) In C.M.P.(MD)No.312 of 2018, the earlier order of this Court dated 16.06.2022, has been complied with and the memo filed to that effect is recorded. Accordingly, this petition is allowed.

(ii) C.M.P.(MD)No.8559 of 2018, has been filed to condone the delay of 1558 days delay in filing the application to set aside the abatement caused due to the death of the eighth respondent.

Notice was already served on the respondent. The proposed parties entered appearance through counsel. This petition is pending from 2018. So far no counter has been filed. However, the reasons stated in the accompanying affidavit is not satisfied. In order to give one more opportunity to the appellant to defend the appeal and this petition is allowed on payment of cost of Rs.5,000/- (Rupees Five Thousand only), to the credit of C.M.P(MD)No.8562 of 2018 on or before 27.07.2022, failing which the order now passed shall stand automatically cancelled.



A.S.



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(iii) C.M.P.(MD)No.8562 of 2018, has been filed to condone the delay of 5568 days in filing the application to set aside the abatement caused due to the death of the 13th respondent.

Though reasons stated in the accompanying affidavit is not satisfied, however, in order to give one more opportunity to the parties, this petition is allowed on payment of cost of Rs.10,000/- (Rupees Ten Thousand only) payable before the Registry within a period of 10 days to the credit of C.M.P(MD)No.8562 of 2018 on or before 27.07.2022, failing which the order now passed shall stand automatically cancelled. .

(iv) List the matter on 28.07.2022, 'for reporting compliance'.

sd/-

13/07/2022

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/07/2022

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

TO

THE PRINCIPAL SUBORDINATE JUDGE,
MADURAI.

COPY TO :

1. THE SUB-ASSISTANT REGISTRAR,
A.E. 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) Nos.312, 8559 and
8562 of 2018
in
A.S.No.925 of 2001
Date :13/07/2022

USK/JM/SAR-I/15.07.2022/3P/5C

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