



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

Tuesday, the Fifth day of April Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.11716 of 2016

IN

SA(MD) No.675 of 2007

1 MAHESWARI

2 D.S.YOGESWARI

... PETITIONERS/APPELLANTS

Vs

1 JOSEPH (DIED)

2. DHARAMARAJAN

... RESPONDENTS/RESPONDENTS

3 VICTORIA

4 WILLIAM RAJA

5 JOTHI

6 JAYA

... PROPOSED RESPONDENTS/LRs OF 1st 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 3211 days in seeking to set aside the abatement caused by the death of Joseph the 1st respondent in the above Second Appeal.

PRAYER IN SA(MD) No.675 of 2007:

Pleased to set aside the decree and judgment passed in A.S.No.14 of 2003 dated 13.02.2004 on the file of the II Additional Sub Court Trichirappalli confirming the decree and judgment passed in O.S.No.1690 of 1985 dated 27.11.2002 on the file of the III Additional District Munsif Trichirappalli.

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.S.SAIRAMAN, Advocate for M/S. V.ILLANCHEZIAN, Advocate for the petitioner, the Court made the following order:-



On the side of the petitioner, it is stated that the petitioner was not aware of the death of R1. Only after the counsel for R1 reported the same, the petitioner came to know about the same, there is a delay of 3211 days and prayed the same to be condoned.

Reasons stated are not satisfactory.

The LR's of deceased R1 are necessary to decide the matter. Hence, this petition is allowed on condition of payment of Rs.3,000/- to the Siddha Hospital, attached to this Court, on or before 19.04.2022.

Call on 21.04.2022 "for reporting compliance".

sd/-

05/04/2022

/ TRUE COPY /

/ /2022

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

TO

1 THE II ADDITIONAL SUBORDINATE JUDGE,
TIRUCHIRAPPALLI.

2 THE III ADDITIONAL DISTRICT MUNSIF
TRICHIRAPPALLI.

COPY TO:

THE SIDDHA MEDICAL OFFICER,
SIDDHA HOSPITAL,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CMP(MD) No.11716 of 2016

IN

SA(MD) No.675 of 2007

Date :05/04/2022

SS/JM/SAR:I/07.04.2022 : 2P/4C