



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**

C.M.P (MD) No.12095 of 2016

in

M.P (MD) No.1 of 2015

in

A.S.No.117 of 1992

1 K.P.SUBRAMANIYAN

2 S.P.MEENAL

... PETITIONERS/APELLANTS

**Vs**

1 DHANALAKSHMI ROAD WAYS,  
REP.BY ITS PROPRIETOR,  
P.R.MUTHIAH (DIED)

2 P.R.MUTHIAH (DIED)

... RESPONDENTS/RESPONDENTS

3 M.MUTHU KARUPPI ACHI

4 UNNAMALAI

5 RAMU

6 UMayAL

7 M.PERIA KARUPPAN

... RESPONDENTS 3 TO 7  
/PROPOSED RESPONDENTS 3 TO 7  
/L.Rs OF 2<sup>nd</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 3928 days in setting aside the abatement caused by the death of 2<sup>nd</sup> respondent.

**PRAYER IN MP(MD) No. 1 OF 2015:**

Pleased to set aside the order dated 28.09.2006 in A.S.No. 117 of 1992 and restore the petition to file.

**PRAYER IN AS(MD) No. 117 OF 1992:**

To prefer the above Memorandum of Regular Appeal to this Hon'ble Court against the judgment and decree dated 04.01.1991 and made in O.S.No. 167 of 1989 on the file of the Court of the Subordinate Judge of Pudukkottai.

**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.N.BALAKRISHNAN, Advocate for the petitioner and none appeared either in person or by an advocate on behalf of the respondents, the court made the following order:-



The learned counsel for the petitioner would submit that as filed a petition under Section 148 of C.P.C., seeking to extend the time for complying with the order of this Court, dated 21.07.2022 since the petitioner has gone to Chennai for taking treatment and therefore, he could not comply with order.

2. Considering the request made by the learned counsel for the petitioner, the time for paying the costs is extended till 16.08.2022. Failing to comply with the said order on or before 16.08.2022, the petition shall stand dismissed automatically without any further reference to this Court.

3. List the matter on **17.08.2022**.

sd/-

05/08/2022

/ TRUE COPY /

/08/2022

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

**TO**

THE SUBORDINATE JUDGE, PUDUKKOTTAI.

**COPY TO**

- 1 THE SUB ASSISTANT REGISTRAR (AE)  
AE 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**

CMP(MD)No.12095 of 2016  
in MP(MD)No.1 of 2015  
in AS.No.117 of 1992  
Date :05/08/2022

am

RS/PN/SAR.3 (08.08.2022) 2P-5C