



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

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

The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.12170 of 2016

IN

SA(MD) No.856 of 2005

WEB COPY

K.AJAY KUMAR GOSH

... PETITIONER/APPELLANT

Vs

1 K.MURUGAN ASARI

2 T.VELLAPPAN (DIED)

3 V.JEEVANANTHAM

4 D.SUBBIAH ASARI (DIED)

5 PARVATHI

6 V.KATHIRESAN

... 1 TO 6 RESPONDENTS/RESPONDENTS

7 V.BAANU

8 V.SARANYA

9 V.THAARANI

... 7 TO 9 RESPONDENTS/

LRS OF DECEASED 2ND RESPONDENT

10 S.RADHA

11 S.KANNAN

12 S.NAGARAJAN

13 S.RAJESH

14 S.JEYALAKSHMI

... 10 TO 14 RESPONDENTS/

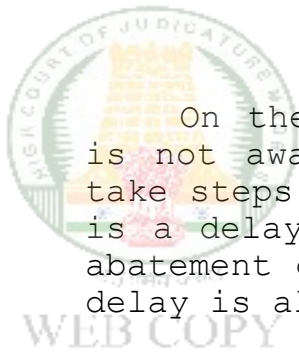
LRS OF DECEASED 4TH RESPONDENT

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 3559 days in filing the application to set aside the abatement in appeal S.A.(MD).No.856/2005 on account of the death of the 4th respondent.

PRAYER IN SA(MD) No.856 of 2005:

To pass an order setting aside the Judgments and Decree in A.S.No.158 of 2004 on the file of the Principal Sub-Judge, Nagercoil, dated 13.12.2004 confirming the Judgment and Decree in O.S.No.500 of 1997 on the file of the II Additional District Munsif Court, Nagercoil, dated 12.03.2004.

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.MEENAKSHI SUNDARAM, Advocate for the petitioner, the court made the following order:-



On the side of the appellant, it is stated that the appellant is not aware of the death of the fourth respondent and could not take steps for the fourth respondent within the time limit and there is a delay of 3559 days in filing an application to set aside the abatement on the ground of the death of the fourth respondent. The delay is almost ten years.

2. The reasons stated for the delay of 3559 days, are not satisfactory. But the legal representatives of the fourth respondent are necessary to be impleaded in the appeal. Hence the delay is condoned on condition of payment of Rs.3,500/- (Rupees Three Thousand and Five Hundred only) to the Siddha unit attached to this Bench, payable on or before 12.04.2022.

3.Call on 20.04.2022.

sd/-
04/04/2022

/ TRUE COPY /

13/04/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE PRINCIPAL SUBORDINATE JUDGE,
NAGERCOIL.

2 THE II ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.

COPY TO

THE OFFICER INCHARGE,
SIDDHA WING,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP(MD) No.12170 of 2016
IN
SA(MD) No.856 of 2005
Date :04/04/2022

RS/PN/SAR.1 (13.04.2022) 2P-4C