



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

Wednesday, the Fifteenth day of June Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.12069 of 2018
IN
AS No.458 of 2003

1 T.KOSALAI (DIED)
2 VELUPILLAI

... PETITIONERS/APPELLANTS

Vs

1 AZHAGAPPA PILLAI
2 T.NAGALAKSHMI
3 P.CHELLAMMAL
4 P.KUMARASWAMY (DIED)
5 P.N.RADHIKA (DIED)
6 P.USH
7 V.CHELLAM PILLAI
8 SHANTHA
9 AGASTHILINGAM PILLAI (DIED)
10 V.SIVARAJ
11 S.JAYAKUMAR
12 PADMA
13 THANUMOORTHY
14 ANANDHALAKSHMI (DIED)
15 PRABHAKAR
16 VIGNESH
17 C.PERUMAL PILLAI
18 VARADHALAKSHMI



20 T.MEENAKSHI

21 T.SAROJINI, (DIED)

22 T.KAMALA BAI

23 K.SENTHI KUMAR PILLAI

... RESPONDENTS/RESPONDENTS

24 MURUGAPPAN

25 NATARAJA

... PROPOSED RESPONDENTS/LRs OF
DECEASED 5th RESPONDENT

26 SAROJAN

27 MEENAKSHI SAROJAN

28 GOPAKUMAR

... PROPOSED RESPONDENTS/LRs OF
DECEASED 9th RESPONDENT

29 A.KRISHNAN

30 P.MUTHULAKSHMI

... PROPOSED RESPONDENTS/LRs OF
DECEASED 14th RESPONDENT

31 CHELLAM PILLAI

32 HARI

... PROPOSED RESPONDENTS/LRs OF
DECEASED 21st RESPONDENT

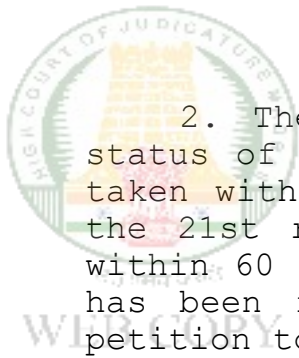
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 1428 days in filing the petition to set aside the abatement caused due to the death of the 21st respondent.

PRAYER IN AS.No.458 of 2003:

To prefer this Memorandum of Grounds of Regular Appeal against the judgment and decree dated 21.04.2003 and made in OS.No.265 of 1998 on the file of II Additional Subordinate Judge, Nagercoil.

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.P.THIAGARAJAN, Advocate for the petitioners, the court made the following order:-

This petition has been filed to condone the delay of 1428 days in filing the petition to set aside the abatement caused due to the death of the 21st respondent. The proposed respondents 31 & 32 are the legal representatives of the deceased 21st respondent.



2. There is no objection regarding the relationship and the status of the legal representatives. Since the steps have not been taken within the stipulated time, the appeal got abated as against the 21st respondent. Abatement set aside petition has not filed within 60 days from the date of abatement. Therefore, this petition has been filed to condone the delay of 1428 days in filing the petition to set aside the abatement.

3. Though the reasons stated in the affidavit filed in support of the Petition are not satisfied, however, in order to give an opportunity to the Petitioners, this Petition is allowed on condition that the Petitioners shall pay a sum of Rs.5,000/- towards costs before the Registry to the credit of the C.M.P(MD)No.12069 of 2018 on or before 30.06.2022 and on deposit of the same, the applications shall stand allowed and failing which, the Petition shall stand automatically dismissed without further reference to this Court.

4. List the matter on 01.07.2022, for further hearing.

sd/-
15/06/2022

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

TO

THE II ADDITIONAL SUBORDINATE JUDGE,
NAGERCOIL.

ORDER
IN
CMP(MD) No.12069 of 2018
IN
AS No.458 of 2003
Date :15/06/2022

SA/VR/SAR.3/16.06.2022/3P/2C