



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the First day of April Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

WEB COPY

CMP(MD) No.9912 of 2021

IN

SA(MD)No. 634 of 2006

KARUPANAN

... PETITIONER/APPELLANT

Vs

1 K.N.MUTHUSAMY (DIED),

2 M.MARIAPPAN (DIED)

3 M.MOHAN (DIED)

4 K.ARUMUGAM

...RESPONDENTS/RESPONDENTS

5 S.MUTHUSAMY GOUNDER,

6 M.MARAYEE AMMAL,

7 M.SELVANAYAGI,

8 M.GURUPRASATH,

9 M.GUNAVATHI,

...RESPONDENTS 5 TO 9/
PROPOSED RESPONDENTS 5 TO 9

10 M.VASUKI,

11 M.KAVINKUMAR,

...RESPONDENTS 10 & 11/
PROPOSED RESPONDENTS 10 & 11

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 2730 days in filing the above applications to set aside the abatement caused due to the death of the deceased 3rd respondent viz, M.Mohan in the above second appeal.

PRAYER IN SA(MD)No.634 of 2006:

To allow the Second Appeal, set aside the Judgment and Decree passed by the Learned District Judge, Karur, dated 19.09.2005 made in A.S.No. 3 of 2005 confirming the Judgment and Decree passed by the Learned Additional District Munsif, Karur dated 25.06.2004 made in O.S.No. 794 of 2000.



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.G.VENUGOPAL, Advocate for the petitioner, the court made the following order:-

On the side of the petitioner, it is stated that the death of R3 was not known to the petitioner and there is a delay of 2730 days and prayed the same to be condoned.

Reasons stated are not satisfactory, but, an opportunity for the petitioner to put forth his case is to be given in the interest of Justice.

Hence, this petition is allowed on payment of Rs.2500/- to the Siddha Hospital attached to this court on or before 13.04.2022.

Call on 20.04.2022 "for reporting compliance"

sd/-

01/04/2022

/ TRUE COPY /

/ /2022

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

TO

1 THE DISTRICT JUDGE,
KARUR.

2 THE ADDITIONAL DISTRICT MUNSIF,
KARUR.

COPY TO

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

ORDER
IN
CMP(MD) No.9912 of 2021
IN
SA(MD) No. 634 of 2006
Date : 01/04/2022

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PKP/JM/SAR-4/04.04.2022/2P/4C