



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

Friday, the Second day of September Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.10578 of 2021
IN
AS(MD) No.136 of 2021

1 PONNAMIRTHAM (DIED) ...SOLE APPELLANT

2 M.MANIVANNAN

3 D.RADHA

4 R.SUMATHI

... PETITIONER 1TO 3/
PROPOSED APPELLANTS 2 TO 4

Vs

1 K.MARUTHAMUTHU UDAYAR
KANDASMI UDAYAR,
KUDITHERU, IYYAMPATTI VILLAGE,
VALAVANDHANKOTTAI POST,
TIRUCHIRAPPALLI-620 015.

2 P.VASUDEVAN

3 V.KIRUBAHARAN

... RESPONDENTS/ RESPONDENTS

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 95 days in filing the application to set aside the abatement caused due to the death of the sole appellant namely Ponnamirtham.

Prayer in AS(MD). 136/ 2021 :

To set aside the Judgment and Decree of the Learned IIIrd Additional District Judge, Tiruchirappalli in OS No.54/2014 on 04.09.2020 and decree the suit as prayed for with costs by allowing this appeal by with cost throughout and thus render justice.

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.R.SUNDAR SRINIVASAN, Advocate for the petitioner, the court made the following order:-



Since sole appellant died, steps has not been taken 10 days, therefore, the appeal was dismissed as abated. Hence, this petition has been filed to condone the delay of 95 days in filing the application to set aside the abatement caused due to the death of the sole appellant, namely, Ponnamirtham.

2. Though the reasons stated in the affidavit filed in support of the Petition are not satisfied, however, in order to give an opportunity, this Petition is allowed on condition that the Petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) towards costs before the Registry to the credit of the C.M.P (MD) No.10578 of 2021 within 10 days from today and on deposit of the same, the petition shall stand allowed and failing which, the Petition shall stand automatically dismissed without further reference to this Court.

3. List the matter on 19.09.2022 for filing compliance report.

sd/-

02/09/2022

/ TRUE COPY /

07/09/2022

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

AM

TO

THE IIIRD ADDITIONAL DISTRICT JUDGE, TIRUCHIRAPPALLI.

COPY TO

1. THE SUB ASSISTANT REGISTRAR(AE),
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.

+1. C.C. to M/S.R.SUNDAR SRINIVASAN Advocate SR.No.9589

ORDER IN

CMP(MD) No.10578 of 2021
IN

AS(MD) No.136 of 2021

Date : 02/09/2022