



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

Friday, the Tenth day of June Two Thousand and Twenty Two

PRESENT

**The Hon`ble Mr.Justice P.VELMURUGAN**

CMP(MD) No.3885 of 2017

IN

AS(MD) No.66 of 2009

1 T.KALYANI

2 CHITHRA

3 KAVITHA

4 RENUKA

5 JOTHY

... PETITIONERS/APELLANTS

Vs

1 P.L.M.NAGAPPAN (DIED)

2 N.KALYANI

3 N.MUTHU ANNAMALAI,

4 M.SHANTHI,

5 S.YEGAMMAI

6 S.USHA,

... RESPONDENTS 2 TO 6  
/ PROPOSED RESPONDENTS 2 TO 6

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 531 days in filing the petition to set aside the abatement caused due to the death of 1<sup>st</sup> respondent

**Prayer in AS(MD). 66/ 2009 :**

To set aside the Judgment and Decree passed in O.S.No.300 of 2004 dated 30.06.2008 on the file of the Additional District Sessions Court(Fast Track Court No.1) Trichy allow the appeal.

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.C.JEGANNATHAN, Advocate for M/S.VEERA ASSOCIATES for the petitioner, the court made the following order:-

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This Petition is filed seeking to condone the delay of 531 days for filing the petition to set aside the abatement of the first respondent.

2. This Appeal has already been dismissed on 15.12.2017, against the respondents 4 to 6 and the other respondents have no serious objection to condone the delay.

3. Though the reasons stated in the affidavit is not satisfied, however, in order to give an opportunity to the petitioner, the delay of 531 days in filing the petition to set aside the abetment of the first respondent is condoned with the following conditions:-

(i) that the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as costs before the Registry to the credit of the Civil Miscellaneous Petition. No.3885 of 2017 within a period of two weeks from the date of receipt of copy of this order, failing which, this Petition shall stand automatically dismissed without further reference to this Court.

4. Post the matter on 27.06.2022 for reporting compliance.

sd/-

10/06/2022

/ TRUE COPY /

/ /2022

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

TO

THE ADDITIONAL DISTRICT  
SESSIONS JUDGE, (FAST TRACK COURT NO.1)  
TRICHY.

COPY TO  
THE SECTION OFFICER,  
ACCOUNTS SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s. VEERA ASSOCIATES, Advocate (SR-5522[I] dated 14/06/2022 )

ORDER

IN

CMP(MD) No.3885 of 2017

IN

AS(MD) No.66 of 2009

Date : 10/06/2022

TTA

PKP/JM/SAR /16.06.2022/2P/4C

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