



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

Wednesday, the Tenth day of August Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.5263 of 2017

IN

AS No.564 of 1999

APPANNA NAICKER

... PETITIONER/APELLANT

Vs

1 PALANISAMY NAICKER

2 ANDI NAICKER (DIED)

3 THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
MADRAS-600 034.

4 THE GOVERNMENT OF TAMILNADU
REPRESENTED B ITS
DISTRICT COLLECTOR,
TIRUCHIRAPALLI.

...RESPONDENTS/RESPONDENTS

5 CHINNAMMAL,

6 ANDAL

7 BALAMURUGAN

8 MINOR KALAISELVI

...RESPONDENTS 5 TO 8/
PROPOSED RESPONDENTS 5 TO 8

9 VELLAIAMMAL

10 SEELAMA NAICKER

11 THANTHA NAICKER

12 POMMA NAICKER

13 MANIVASAGAM

14 SELVAKUMAR ... RESPONDENTS

(CAUSE TITLE AMENDED AS PER ORDER DT
12.10.2018 IN CMP(MD)8302 TO 8309 /2018

<https://www.mhjc.org.in/cases/564&565/1999>)



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 5549 days caused in filing the petition to set aside the abatement caused due to the death of the 2nd respondent Andi Naicker in the main appeal A.S.No.564/1999.

PRAYER IN AS No.564 of 1999:

To prefer this Memorandum of Regular Appeal against the judgment and decree on the file of the Sub Judge Court, Kulithalai in O.S.NO. 408/1995 and dated 21.09.1998.

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.S.RAMESH, Advocate for the petitioner and of MR.M.PRABHU, Advocate for MR.C.RAMAR, Additional Government Pleader on behalf of the Respondents 3 and 4, the court made the following order:-

This Petition is filed seeking to condone the delay of 5549 days in filing the Petition to set aside the abatement caused due to the death of the second respondent/Andi Naicker in the above appeal suit.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.Though the reasons stated in the accompanying affidavit is not satisfied, considering the huge delay in filing the above application and that the appeal suit is pending from the year 1999,in order to give an opportunity to the appellant/s to contest the appeal suit on merits, this Petition is allowed and the delay of 5549 days in filing the above application is condoned, however, on condition that the Petitioner pays a sum of Rs.25,000/- (Rupees twenty five thousand only) towards costs to the credit of the above C.M.P before the Registry within a period of ten days ie., on or before 23.08.2022, failing which, this petition will be dismissed on the next date of hearing.

4.List the matter on 25.08.2022, for compliance of this order.

sd/-

10/08/2022

/ TRUE COPY /

/08/2022

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



TO

THE SUBORDINATE JUDGE,
KULITHALAI.

COPY TO

WEB COPY

1. THE SUB ASSISTANT REGISTRAR (AE)
AE SECTION
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.

ORDER
IN
CMP (MD) No.5263 of 2017
IN
AS No.564 of 1999
Date :10/08/2022

VSN
PKP/SVR/SAR-3/12.08.2022/3P/5C