



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

Tuesday, the Twelfth day of April Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.9753 of 2018
IN
SA No.1406 of 1999

1 MEENAL (DIED)

2 P.ARUMUGAM AMMAL(DIED)

3 GOVINDAN,

4 KALA

5 VASUKI

...PETITIONERS/ APPELLANTS

(APPELLATS 3 TO 5 ARE BROUGHT ON RECORD
AS LRS OF THE DECEASED 2ND APPELLANT VIDE
ORDER DATED 18/01/2005 MADE IN CMP
No.10/2005)

6 ARUMUGAM,

...PETITIONER

(6th PETITIONER IS BROUGHT ON RECORD AS LR
OF THE DECEASED 1st PETITIONER VIDE COURT
ORDER DATED 09/07/2021 MADE IN CMP(MD)
Nos.3173 TO 3175/21 IN SA NO. 1406/1999
BY GRSJ)

Vs

1 PANCHAMMAL

2 MARIYAPPAN,

3 RAMAYEE

...RESPONDENTS/RESPONDENTS

4 RAMACHANDRAN (DIED)

5 PERIYANNAN,

6 SIVAGANGAI MUNICIPALITY,
REP. BY ITS COMMISSIONER,
SIVAGANGAI.

...RESPONDENTS/RESPONDENTS

7 TMT. VALLI,



9 SUBRAMANI

... RESPONDENTS/PROPOSED RESPONDENTS 7 TO 9

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 6460 days in seeking to set aside the abatement caused by the death of the deceased 4th respondent in SA No.1406 of 1999 on the file of this Honourable Court.

PRAYER IN SA NO.1406 of 1999:

To prefer the Memorandum of Grounds of Second Appeal against the Judgment and decree made in A.S. 47/98 on the file of the learned Subordinate Judge at Sivagangai dated 25/01/99 modifying the Judgment and Decree made in O.S. 451/94 on the file of the Additional District Munsiff Court at Sivagangai dated 03/03/1997, thereby declaring 2/15 share of plaintiffs for passing preliminary decree.

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.SRINIVASA RAGHAVAN, Advocate for the petitioner, the court made the following order:-

On the side of the petitioner it is stated that the petitioner has given the particulars of the legal representatives of the fourth respondent to the then counsel who appeared for the petitioner. But the learned counsel inadvertently failed to file appropriate petitions in time. The petitioners were under the impression that the legal representatives are already impleaded and hence there is a delay of 6460 days in taking steps for the deceased fourth respondent and pray the delay to be condoned.

2.The reasons stated are not satisfactory. There is an inordinate delay of 6460 days. The suit is for partition. Therefore, the legal representatives of the fourth respondent are necessary party to the case. Hence this petition is allowed on payment of cost of Rs.6,000/-(Rupees Six Thousand only) to the Siddha unit on or before 19.04.2022.

3. Call on 21.04.2022.

sd/-
12/04/2022

/ TRUE COPY /

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



TO

1 THE SUBORDINATE JUDGE,
SIVAGANGAI

2 THE ADDITIONAL DISTRICT MUNSIF
SIVAGANGAI

WEB COPY

COPY TO

THE OFFICER INCHARGE,
SIDHA UNIT,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CMP (MD) No.9753 of 2018

IN

SA No.1406 of 1999

Date :12/04/2022

PNN

PKP/JM/SAR-4/20.04.2022/3P/4C