



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

Tuesday, the Twentieth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP (MD) No.1572 of 2006
IN
SA (MD) No.138 of 2005

1 G.SUBRAMANIAN

2 GOMATHIAMMAL

... PETITIONERS/APPELLANTS

Vs

1 S.GURUSAMY KONAR

2 E.RAMASUNDARATHAMMAL

3 VALLIAMMAL

4 SUBRAMANIAN @ CHELLASAMY

...RESPONDENTS 1 TO 4/
RESPONDENTS 1 TO 4

UDAYAKONAR (DIED)

5. KARUPPIAH

...RESPONDENT NO.5/RESPONDENT NO.6

SHANMUGAKONAR (DIED)

6. KARUPPAYEE AMMAL

7 SUBBAMMAL

8 U.SUBRAMANIAM

9 U.KARUTHAPANDIAN

... RESPONDENTS 6 TO 9/
PROPOSED RESPONDENTS 9 TO 12
LRS OF RESPONDENT 5

10 S.SHANMUGAIAH

11 S.SUBRAMANIAN

... RESPONDENTS 10 & 11
PROPOSED RESPONDENTS 13 AND 14
LRS OF RESPONDENT 7



Petition filed praying that in the circumstance therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 1555 days in filing the petition to set aside the abatement caused due to the death of the fifth respondent viz., Udayar Konar in the Second Appeal.138/2005 and thus render justice.

PRAYER IN SA(MD) No.138 of 2005:

To prefer this memorandum of Second Appeal against the judgment and Decree, dated 22.12.1992 made in A.S.No.108 of 1988 on the file of the Sub-Court, Tenkasi in reversing the judgment and decree dated 12.04.1988 made in O.S.No.427 of 1983 on the file of the District Munsif Court, Sankarankovil in respect of the claim of the first plaintiff and confirming the decree of the trial court in respect of the claim of the second plaintiff.

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.K.RAJKUMAR, Advocate for the petitioner, the court made the following order:-

This application is filed to condone the delay of 1555 days in filing the petition to set aside the abatement caused due to the death of the fifth respondent in the second appeal.

2. Notice sent to the respondents were served and their names were also printed in the cause list, none appeared for them.

3. Though the reasons stated in the accompanying affidavit filed in support of the Petition are not satisfied since the delay is huge, however, in order to give an opportunity to the parties to prosecute the appeal, the delay of 1555 days is condoned on condition that the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) towards costs before the Registry to the credit of C.M.P(MD)No.1572 of 2006, within 10 days, provided, on or before 03.07.2023 and on deposit of the same, the petition shall stand allowed, failing which, the Petition shall stand automatically dismissed without further reference to this Court.

4. List the matter on 05.07.2023 for filing compliance report.

sd/-
20/06/2023

/ TRUE COPY /

/06/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

am

<https://www.mhc.tn.gov.in/judis>



TO

1. THE SUBORDINATE JUDGE, TENKASI
2. THE DISTRICT MUNSIF, SANKARANKOVIL

COPY TO

1. THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 2 THE SUB ASSISTANT REGISTRAR,
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 3 THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 4 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC TO M/S.K.RAJKUMAR, Advocate SR-9213

ORDER
IN
CMP (MD) No.1572 of 2006
IN
SA (MD) No.138 of 2005
Date : 20/06/2023

RK/CG/SAR- (27/06/2023) 3P/8C