



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

Wednesday, the Fifth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.2425 of 2023
IN
SA(MD)No.682 of 2006

1 THANGAM (DIED) ... 1st APPELLANT
2 K.VAIRAVAN ... 2nd APPELLANT/2nd APPELLANT
3 V.PREMA (DIED) ... 3rd APPELLANT
4 KALA
5 SHANTHI
6 JANARTHANAM ... PETITIONERS 2,4 TO 6/
APPELLANTS 2,4 TO 6

Vs

1 S.RAMAKRISHNAN
2 S.VASU
3 S.RAJESWARI
4 C.MAHAMAYI
5 STATE OF TAMIL NADU
REP.BY ITS DISTRICT COLLECTOR,
SIVAGANGAI. ... RESPONDENTS 1 TO 5/RESPONDENTS 1 TO 5
6 M.MANICKAM (DIED) ... 6th RESPONDENT
7 SIVAGANGAI MUNICIPALITY
REP BY COMMISSIONER,
SIVAGANGAI.
8 G.LAKSHMI
9 G.JEEVA
10 G.MANIMEGALAI



12 G.JANAKI

13 S.SAROJA

14 S.SENTHILKUMAR

... RESPONDENTS 7 TO 14/
RESPONDENTS 7 TO 14

15 M.PALANISAMY

16 M.MUTHUMARI

17 M.JEYABHARATHY

... RESPONDENTS 15 TO 17/
PROPOSED RESPONDENTS 15 TO 17

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 5138 days in filing the application for set aside the abatement caused due to the death of the 6th respondent in the above S.A.(MD).No.682 of 2006 on the file of this Hon`ble High Court, and thus render justice.

PRAYER IN SA(MD) .682/2006:

To prefer this Memorandum of Grounds of Second Appeal against the judgment and decree dated 30.10.2003 and made in AS.No.234 of 1999 on the file of Principal District Judge, Sivagangai, confirming the judgment and decree dated 17.11.1999 made in OS.No.48 of 1996 on the file of Additional District Munsif Court, Sivagangai.

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.S.WHITE KENNEDY, Advocate for the petitioner and of Mr.P.PARANTHAMAN, Advocate on behalf of the 1st Respondent, the court made the following order:-

This petition has been filed to condone the delay of 5138 days in filing the application to set aside the abatement caused due to the death of the 6th respondent in the appeal in S.A.(MD).No.682 of 2006.

2. The first respondent has filed a counter stating his objections.

3. Though the reasons stated in the affidavit filed in support of this petition is not satisfied, however, in order to give an opportunity to the appellant to prosecute the appeal as against the legal representatives of the deceased sixth respondent, this Petition is ordered and the delay is condoned on payment of cost of Rs.50,000/- (Rupees Fifty Thousand only) before the Registry to the credit of C.M.P.(MD).No.2425 of 2023 on or before 21.07.2023.



CMP(MD)



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3. List the matter on **25.07.2023** for reporting compliance.

sd/-
05/07/2023

/ TRUE COPY /

WEB COPY

/07/2023

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

AKV

TO

1 THE PRINCIPAL DISTRICT JUDGE, SIVAGANGAI

2 THE ADDITIONAL DISTRICT MUNSIF, SIVAGANGAI

COPY TO:

1 THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

2 THE SUB ASSISTANT REGISTRAR,
A.E.SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

3 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

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

ORDER

IN

CMP(MD) No.2425 of 2023

IN

SA(MD) No.682 of 2006

Date :05/07/2023

SA/BUC/SAR. /10.07.2023/3P/7C