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

Wednesday, the Seventh day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.692 of 2023
and
SA NO. 1800 OF 1996

1 PITCHAIMUTHU,

2 KALIAMMAL

3 ARUMUGHAM ... PETITIONERS/PETITIONERS/APPELLANTS

Vs

1 R.SIVAGNANA MUDHALIAR (DIED)

2 PAPPATHI AMMAL (DIED)

3 M.SUBRAMANIAM (DIED) ....RESPONDENTS 1 TO 3

4 S.VIJAYAVALLI (DIED) ...4th RESPNDENT/PROPOSED 4th RESPONDENT

5 S.ELANGOVAN

6 S.ANBARASAN

7 S.MATHIVANAN

8 S.RAJENDRAN (DIED) ...8th RESPONDENT/ PROPOSED 8th RESPONDENT

9 S.PARTHIBAN ...RESPONDENTS/PROPOSED RESPONDENTS 5 TO 7 & 9 / LEGAL HEIR OF DECEASED 1st RESPONDENT

10 VEDAVALLI

11 R.ARUNKUMAR

12 R.MAHENDRAN ... RESPONDENTS 10 TO 12 /PROPOSED RESPONDENTS 10 TO 12 /PROPOSED RESPONDENTS 10 TO 12 /LEGAL HEIR OF DECEASED 8TH RESPONDENT

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 161 days in filing the petition set aside

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the abatement caused due to the death of deceased 8th respo n CMP(MD).No. 18807 to 18809/2003 in SA.No. 1800/1996.

PRAYER IN SA NO. 1800 of 1996:
Pleased to set aside the decree and judgment in AS No. 51/1992 dated 30.09.1994 on the file of the Sub Ordinate Judges Court, Kumbakonam confirming the decree and judgment of the District Munsif's Court, Valingaiman at Kumbakonam passed in O.S No. 612/1988 dated 24.07.1992.

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.V.K.VIJAYARAGAVAN, Advocate for the petitioners, the court made the following order:-

Both the parties are residing in the same village, however, the reasons stated in the affidavit that they came to know about the death of the deceased 8th respondent only after the notice received in CMPs. The reasons stated in the affidavit is apparently false and the reason is invented only for the purpose of filing the condone delay application.

2.Though the reasons stated in the affidavit filed in support of the Petition are not satisfied, however in order to give an opportunity to the parties since the parties should not suffer for the ill advise of the counsel, but the parties shall bare the cost for engaging the counsel, the delay of 161 days is condoned on condition that the Petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) towards costs before the Registry to the credit of C.M.P(MD)No.692 of 2023 on or before 20.06.2023 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.

3.List the matter on 21.06.2023 for filing compliance report.

sd/-
07/06/2023

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

AM
TO

1 THE SUBORDINATE JUDGE
KUMBAKONAM.

2 THE DISTRICT MUNSIF
VALINGAIMAN AT KUMBAKONAM.

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COPY TO

1 THE REGISTRAR (JUDICIAL)
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.692 of 2023
and
SA NO. 1800 OF 1996
Date :07/06/2023

PKP/MMS/SAR- /09.06.2023/ **3P/6C**

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