



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

Thursday, the Twenty Second day of June Two Thousand and Twenty
Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.605 of 2022
in
SA(MD) No.534 of 2011

1 1. CHINNASAMY DEVAR (DIED)

2 ARUMUGATHAMMAL

3 MURUGAN

4 PARVATHI

5 JEYA ALIAS SIVAGAMI

6 THIRUMALAIKUMARASAMY

7 SARASWATHI

... Petitioners / Appellants

Vs

1 S.K.SAMY

2 MUTHAMMAL

... Respondents 1 & 2 /
Respondents 1 & 2

3 A.R.S. RAMALNGAM (DIED)

... 3rd Respondent

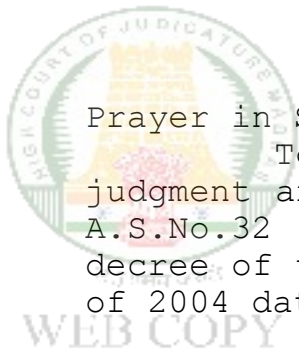
4 GANDHIAMMAL

5 SENTHIL ALIAS SUBBAIAH

6 NARAYANAN

... Respondents 4 to 6 /
Proposed Respondents /
LRs of 3rd 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 1390 days in setting aside the abatement caused by the death of the 3rd respondent in S.A. (MD)No. 534 of 2011.



Prayer in SA(MD0 No.534 of 2011:

To prefer this memorandum of second appeal against the judgment and decree of the Additional Sub Court, Tenkasi, passed in A.S.No.32 of 2010 dated 17.03.201 by reversing the judgment and decree of the Principal District Munsif, Tenkasi passed in O.S.No.76 of 2004 dated 18.04.2006.

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.R.A. RAMACHANDRAN, Advocate for the petitioners, the court made the following order:-

This application is filed to condone the delay of 1390 days in filing the petition to set aside the abatement caused due to the death of the third respondent.

2.Though the reasons stated in the accompanying affidavit filed in support of the Petition are not satisfied, however, in order to give an opportunity to the parties to prosecute the appeal, the delay of 1390 days is condoned on condition that the petitioner shall deposit a sum of Rs.13,000/- (Rupees Thirteen Thousand only) towards costs before the Registry to the credit of C.M.P(MD)No.605 of 2022 on or before 14.07.2023 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.

3.List the matter on 04.08.2023 for filing compliance report.

sd/-
22/06/2023

/ TRUE COPY /

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

AM

To

1.The Additional Sub Judge,
Tenkasi.

2.The Principal District Munsif,
Tenkasi.

Copy to:

1.The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

<https://www.mhcbench.in/>



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.

ORDER
IN
CMP (MD) No.605 of 2022
in
SA (MD) No.534 of 2011
Date :22/06/2023

ED/ VR/SAR- (28/06/2023) 3P 7C