



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

Tuesday, the Fourth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

C.M.P (MD) No.454 of 2023
in
S.A.No.1680 of 2000

MAHALINGAM

... PETITIONER/APPELLANT

Vs

1.ESAKKIAMMAL (DIED)

2 SWAYAMBU (DIED)

3 PAPA @ SHENBAGA VADIVU

4 VELKUMAR

5 SUDALAI

6 MURUGESAN

7 MINOR. SIVALINGAM

...RESPONDENTS 1 TO 7/
RESPONDENTS 1 TO 7

8 ALAGESAN

9 SELVI

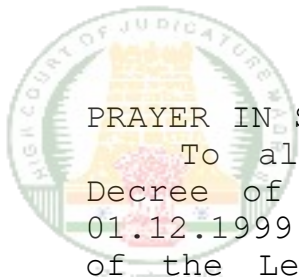
10 MURUGESAN

11 MAHADEVAN

12 SURESH

... RESPONDENTS 8 TO 12/
PROPOSED RESPONDENTS 8 TO 12

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 2161 days in seeking to set aside the abatement of S.A. No. 1680 of 2000 caused by the death of the 2nd respondent namely Swayambu and thus render justice.



PRAYER IN S.A.No.1680 of 2000:

To allow the Second Appeal setting aside the judgment and Decree of the learned Additional District Judge, Tuticorin dated 01.12.1999 in A.S.No.22 of 1999 confirming the Judgments and Decrees of the Learned District Munsif, Tiruchendur dated 13.12.1996 in O.S.No.334/1995 and to decree the said suit as prayed for and thus render justice.

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.T.M.HARIHARAN, Advocate for the petitioner, the court made the following order:-

This application is filed to condone the delay of 2161 days in filing the petition to set aside the abatement caused due to the death of the 2nd respondent in the second appeal.

2. Though notice sent to the respondents were served, some of the respondents appeared through counsel, counter has not been filed.

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 appellant to prosecute the appeal against the legal representatives of the deceased second respondent, the delay of 2161 days is condoned on condition that the petitioner shall deposit a sum of Rs.21,000/- (Rupees Twentyone Thousand only) towards costs before the Registry to the credit of C.M.P(MD)No.454 of 2023, within 15 days, provided, on or before 21.07.2023 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 24.07.2023 for filing compliance report.

sd/-

04/07/2023

/ TRUE COPY /

/07/2023

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

am

TO

1.THE ADDITIONAL DISTRICT JUDGE, TUTICORIN.

2.THE DISTRICT MUNSIF, TIRUCHENDUR.

<https://www.mh.gov.in/>



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.

ORDER
IN
C.M.P (MD) No.454 of 2023
in
S.A.No.1680 of 2000
Date :04/07/2023

RK (07/07/2023) 3P/7C