



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

Thursday, the Twenty Seventh day of April Two Thousand and Twenty
Three

WEB COPY

PRESENT
The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.2897 of 2023
IN
SA.No.1826 of 2003

P.P.ANNAMALAICHAMY (DIED)

- 1 P.P.A. PERIYASAMY
- 2 P.P.A.MURUGESAN
- 3 P.P.A. RAMARAJ
- 4 D.K.RAJAGURU
- 5 D.MARIYAMMAL
- 6 R.BACKIYALAKSHMI
- 7 J.AATHILAKSHMI
- 8 B.SELVALAKSHMI
- 9 R.PERIYANAYAKI

... PETITIONERS/APPELLANT 2 TO 10

Vs

- 1 SANGIAH KONAR

... DECEASED 1ST RESPONDENT

- 1 RAMIAH NADAR ALAIS KASIRAJA
- 2 S.MARICHAMY
- 3 S.RAMAR
- 4 S.THIRUPPATHI
- 5 S.SENTHIL

... 1ST RESPONDENT/2ND RESPONDENT

... RESPONDENTS 2 TO 5/PROPOSED
RESPONDENTS 3 TO 6

(LR'S OF THE DECEASED 1ST 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 2480 days in filing the petition to set aside the abatement caused due to the death of the 1st respondent in the above SA.No.1826 of 2003, on the file of this Honourable Court and thus render justice.

Prayer in SA. 1826/ 2003 :

To set aside the decree and judgment dated 30.6.2003 rendered in AS.No.30/2000 on the file of the subordinate Judge
<https://www.mca.gov.in> reversing the decree and judgment dated 27.7.2000



rendered in OS.No.426/1998 on the file of the Additional District Munsif of Srivilliputhur.

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.P.JESSI JEEVA PRIYA, Advocate for the petitioner the court made the following order:-

The petition is filed to condone the delay of 2480 days in filing the petition to set aside the abatement caused due to the death of the first respondent in the Appeal.

2. Heard both sides.

3. The reasons stated in the accompanying affidavit for condoning the huge delay of 2480 days are not satisfactory. However, in order to give opportunity to the parties to resolve the dispute on merits, the petition is allowed with cost of Rs.1,00,000/- (Rupees one lakh only). The petitioners are directed to deposit Rs.1,00,000/- before the Registry to the credit of C.M.P.(MD)No.2897 of 2023 in S.A.No.1826 of 2003 on or before 30.05.2023 and file a Memo to that effect.

4. List the matter on 02.06.2023 'for reporting compliance'.

sd/-

27/04/2023

/ TRUE COPY /

/05/2023

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

MBI

TO

1 The subordinate Judge, Srivilliputhur.

2 The Additional District Munsif, Srivilliputhur.

Copy to

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

2 The Sub Assistant Registrar(A.E)
Madurai Bench of Madras High Court,
Madurai.



CMP(MD)



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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.

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-7032[I] dated
28/04/2023)

ORDER
IN
CMP (MD) No.2897 of 2023
IN
SA (MD) No.1826 of 2003
Date :27/04/2023

NA/SSS/SAR-2/04.05.2023/3P/8C