



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.1226 of 2023
in
SA No.1969 of 2001

1 KUPPANDI AMBALAM (DECEASED)

2 PALANIAMMAL (DECEASED)

... APPELLANTS 1 & 2

3 KARUPPAIAH

4 PALANICHAMI

5 CHINNATHAYEE

6 KATHAYEE

7 THANGAVEL

... PETITIONER/APPELLANTS 3 TO 6

8 VALLIAPPAN (DECEASED)

... 7TH APPELLANT

Vs

1 POOVAN AMBALAM (DECEASED)

2 PERUMAL (DECEASED)

3 PALANIYANDI AMBALAM (DECEASED)

4 CHINNAKUTTHAN AMBALAM (DECEASED)

... RESPONDENTS 1 TO 4

5 CHINNAMMAL W/O.PICHAIR AMBALAM

6 ANDI AMMAL (DECEASED)

7 CHINNAMMAL (DECEASED)

8 KOOTHAN AMBALAM (DECEASED)

... RESPONDENTS 6 TO 8

9 CHINNAMMAL D/O LATE NALLATHAMBI AMBALAM



11 ARIYAMMAL,

12 PERUMAL,

13 CHINNA ARIYAMMAL,

14 ANDIYAMMAL (DECEASED)

... 14TH RESPONDENT

15 KUPPANDI,

16 KOTTHAN, ... RESPONDENTS/RESPONDENTS 5,9 to 13, 15 & 16

17 PALANIYANDI,

18 MURUGAN KUTHAN,

19 CHINNAMMAL D/O.LATE.KOOTHAN AMBALAM

20 KATHAMMAL MUNIYANDI

... 17 TO 20TH RESPONDENTS
/PROPOSED RESPONDENTS 22 TO 25
(LEGAL HEIRS OF 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 6119 days in filing the petition to set aside the abatement caused due to the death of 8th respondent in SA No. 1969 of 2001.

PRAYER IN SA.NO.1969/2001 :

To prefer this Memorandum of Second Appeal to this Hon'ble Court against the Decree and Judgment of the court of the Principal District Judge, Dindigul, made in A.S.No.155 of 1990 dated 28.09.2000, confirming the decree and judgment of the court of the Additional District Munsif, Dindigul made in O.S.No.1227 of 1985 dated 05.09.1990.

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.M.V.KRISHNAN, Advocate for the petitioner, the court made the following order:-

This petition has been filed to condone the delay of 6119 days in filing the petition to set aside the abatement caused due to the death of 8th respondent in the above said second appeal.

2.Though the reasons stated in the accompanying affidavit filed in support of this petition are not satisfied, in order to give an opportunity to the parties to prosecute the appeal, the delay of 6119 days is condoned on condition that the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the Registry to the credit of CMP(MD)No.1226 of



CMP(MD)

23



2023 on or before 14.07.2023 and on deposit of the s¹ the petition shall stand allowed, failing which, the petition shall stand dismissed automatically without further reference to this Court.

3. List the matter on 17.07.2023 for filing compliance report.

sd/-

22/06/2023

/ TRUE COPY /

13/07/2023

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

skn

TO

1 THE PRINCIPAL DISTRICT JUDGE, DINDIGUL.

2 THE ADDITIONAL DISTRICT MUNSIF, DINGIGUL.

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.1226 of 2023

in

SA No.1969 of 2001

Date :22/06/2023

RS/VR/SAR-(13.07.2023) 3P 7C