



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

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

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

C.M.P(MD)No.1219 of 2023
in
S.A.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/Appellant 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
6. Andi Ammal (Deceased)
7. Chinnammal (Deceased)
8. Koothan Ambalam (Deceased) ... Respondents 6 to 8
9. Chinnammal
10. Kuppandi 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. Thangammal
18. Chinnammal
19. Ariyammal
20. Vellaiammal
21. Kuppandi ... 17 to 2^{1st} Respondents/Proposed
Respondents 17 to 21
(legal heirs 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 1581 days in filing the petition to set aside the abatement caused due to the death of 3rd respondent in SA No. 1969 of 2001 and thus render justice.

Prayer in SA. 1969/ 2001 :

To prefer this Memorandum of Grounds of Second Appeal against the judgment and decree and Judgement of the Prl. District Judge, Dindigul, made in AS No.155 of 1990 dated 28.09.2000, confirming the decree and Judgement of the Court of the Addl. District Munsif, made in OS 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 application is filed to condone the delay of 1581 days in filing the petition to set aside the abatement caused due to the death of the 3rd respondent in the second appeal.

2.Though notice was served on the respondents and when the matter was came up for hearing on 02.06.2023, this Court ordered to be posted the matter today I.e., 08.06.2023 for counter and disposal, the respondents have not filed any counter.

3.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, the delay of 1581 days is condoned on condition that the Petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) towards costs before the Registry to the credit of C.M.P(MD)No.1219 of 2023 on or before 21.06.2023 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.

4.List the matter on 22.06.2023 for filing compliance report.

sd/-
08/06/2023

/ TRUE COPY /

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

AM

<https://www.mhc.tn.gov.in/judis>



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(AE)
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 Officer,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
C.M.P (MD) No.1219 of 2023
in
S.A.No.1969 of 2001
Date :08/06/2023

NA/BUC/SAR- /13.06.2023/3P/7C