



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

Monday, the Third day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

C.M.P(MD)No.3725 of 2023
in
S.A(MD)No.319 of 2013

1.VALLIYATHAL (DIED) ...SOLE APPELLANT

2 THIRUMALAISAMY GOUNDER

3 BALAMANI ... PETITIONERS 2 & 3/
PROPOSED APPELLANTS 2 & 3

Vs

1 SAKTHIVEL

2 PERIYATHAL ...RESPONDENTS/RESPONDENTS

3 RAJESWARI

4 SATHYAPRABHU ... RESPONDENTS 3&4/
PROPOSED RESPONDENTS 3 & 4

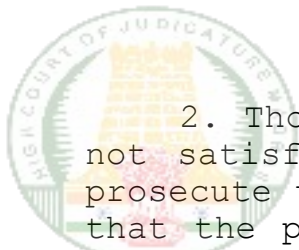
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 162 days caused in filing the petition to set aside the abatement regarding the sole appellant Valliyathal in the above appeal S.A.(MD). No. 319 of 2013 and thus render justice.

PRAYER IN S.A(MD)No.319 of 2013:

To reverse and set aside the judgment and decree in A.S.No.37/2011 dated 23.11.2012 passed by the District Court, Karur, in confirming the judgment and decree of Principal Sub Court, Karur in O.S.No.115/2005 dated 17.06.2011 and allow this second appeal.

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.RAMESH, Advocate for the petitioner, the court made the following order:-

The petition is filed to condone the delay of 162 days in filing the petition to set aside the abatement caused due to the death of the sole appellant in the Appeal.



2. Though, the reasons stated in the accompanying affidavit are not satisfactory, in order to give opportunity to the parties to prosecute the appeal on merits, the petition is allowed on condition that the petitioners shall deposit a sum of Rs.2,000/- (Rupees Two Thousand only) before the Registry to the credit of C.M.P.(MD) No.3725 of 2023 in S.A(MD)No.319 of 2013 on or before 13.07.2023, failing which, the petition shall stand automatically dismissed without any further reference to Court.

3. List the matter on 14.07.2023 'for reporting compliance'.

sd/-

03/07/2023

/ TRUE COPY /

/07/2023

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

mbi

TO

1.THE DISTRICT JUDGE, KARUR,

2.THE PRINCIPAL SUBORDINATE JUDGE, KARUR

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.3725 of 2023
in

S.A (MD) No.319 of 2013

Date :03/07/2023

RK/VR/SAR- (05/07/2023) 2P/7C

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