



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

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

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.1851 of 2023

IN

SA No. 827 of 2002

1 E.V.NAGANATHAN, (DIED)

2.LOKAMATHA,

3 JOTHI MUTHU RAMALINGAM

4 KRISHNAMOORTHY ... PETITIONERS 2 to 4/ APPELLANTS 2 TO 4

Vs

1 P.INDURANI
W/O. BOSE THEVAR

2 UKKIRA PANDIAN

3 N.MUTHURATHINAM

4 NAGAJOTHI

5 DEIVARANI

6 MANIKANDAN

7 VASUKI

8 N.INDURANI
D/O. MUTHURAMALINGAM

9 GANDHI MEENAL

10 P.PONUCHAMY THEVAR (DIED) ...DECEASED 10TH RESPONDENT

11 A.SIVAGNANAM

12 MURUGESAN

<https://www.mhca.org.in> 13 N.INDURANI THEVAR



14 MAYILVASAGAM (DIED)

...DECEASED 14th RESPONDENT

15 T.PANDI (DIED)

...DECEASED 15th RESPONDENT

16 PONNUSAMY @ UKKIRAPANDI THEVAR,

17 R.KASINATHADURAI

18 DHANALAKSHMI (DIED)

...DECEASED 18th RESPONDENT

19 POOMALAI

S/O. PERIYANATHA THEVAR

20 SATHYA MURTHY

21 SANKARA IYER

22 UTHAMARAMAN

23 POOMALAI

D/O. LATE. PONNUSAMY THEVAR

24 NAGU

25 VELLAIMMAL

26 SURIYA PRAKASAM

27 DHANA CHANDRA PRAKASAM (DIED)

....DECEASED 27th RESPONDENT

28 KOTTAI ESWARA PRAKASAM

29 JOTHI MUTHURAMALINGAM

...RESPONDENTS 1 TO 9, 11 TO 13, 16, 17, 19
to 26 28 & 29/ RESPONDENTS 1 TO 9,
11 TO 13, 16, 17, 19 to 26 28 & 29

30 RAJALAKSHMI

31 MURUGABOOPATHY

...RESPONDENTS 30 & 31
/ PROPOSED RESPONDENTS 30 & 31
(LRs OF THE 15th RESPONDENT)

32 GURUSAMY

33 MUTHUMARI

...RESPONDENTS 32 & 33
/ PROPOSED RESPONDENTS 32 & 33
(LRs OF THE 18th RESPONDENT)

34 GANDHIMATHI

35 KOWSALAYA



37 MINOR.GOKILA PRIYA

...RESPONDENTS 34 TO 37
/ PROPOSED RESPONDENTS 34 TO 37
(LRS OF THE 27th RESPONDENT)

(37th RESPONDENT IS MINOR AND REPRESENTED BY
HER GUARDIAN AND MOTHER OF THE GANDHIMATHI /
34th RESPONDENT)

(RESPONDENTS 12,16,17 AND 19 WERE DELETED
AND ITSELF 21st RESPONDENT STOOD EXPARTE
BEFORE THE APPELLATE COURT, HENCE NOTICE MAY
BE GIVEN UP)

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 195 days in filing the petition for set
aside the abatement caused due to the death of the 15th respondent
in the above second appeal No.827/2002.

PRAYER IN SA No. 827 of 2002:

Pleased to set aside the judgment and decree made in A.S.No.
154/97 on the file of Additional District Judge cum Chief Judicial
Magistrate Court, Ramanathapuram dated 22.06.2000 which confirms the
judgment and decree made in O.S.No. 82/93 on the file of Sub-Court,
Ramanathapuram dated 25.03.1996.

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

This application is filed to condone the delay of 195 days in
filing the petition to set aside the abatement caused due to the
death of the 15th respondent in the above second appeal.

2.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 195 days is
condoned on condition that the Petitioners shall deposit a sum of
Rs.5,000/- (Rupees Five Thousand only) towards costs before the
Registry to the credit of C.M.P(MD)No.1851 of 2023 within 10 days,
provided, on or before 27.06.2023 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.

3.List the matter on 28.06.2023 for filing compliance report.

sd/-

15/06/2023

/ TRUE COPY /

/06/2023

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



TO

1 THE ADDITIONAL DISTRICT JUDGE
CUM CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

2 THE SUBORDINATE JUDGE
RAMANATHAPURAM.

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,
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.1851 of 2023
IN
SA No. 827 of 2002
Date :15/06/2023

PKP/CG/SAR- /20.06.2023/ **4P/7C**