



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

Tuesday, the Twenty Seventh day of June Two Thousand and
Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.3459 of 2023

IN

SA(MD).1123 of 2008

1 O.A.A.ANANTHA PADMANABAN CHETTIYAR(DIED), ... SOLE APPELLANT
2 SUNDARAM,
3 VALLI, ... PETITIONERS/PROPOSED APPELLANTS 2,3
LRs OF THE DECEASED SOLE APPELLANT

Vs

1 SINGARAM CHETTIAR(DIED), ... SOLE RESPONDENT
2 K.ALAMELU,
3 SAMINATHAN, ... RESPONDENTS 2&3/PROPOSED RESPONDENTS 2,3 /
LRs OF DECEASED SOLE RESPONDENT
4 MUTHU ADAIKAPPAN,
5 ANNAMALAI, ... RESPONDENTS 4 & 5/
PROPOSED RESPONDENTS 4 & 5
LRs OF THE DECEASED SOLE APPELLANT

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 222 days in filing the application to set aside the abatement caused due to the death of the deceased sole appellant namely Anantha Padamanaban Chettiar in the above appeal and thus render justice.

Prayer in SA(MD)No. 1123 OF 2008:

Pleased to set aside the judgment and decree dated 14.12.2007 in A.S.No. 80/2005 on the file of the Subordinate Judge, Trichy confirming the judgment and decree dated 05.04.2005 in O.S.No. 292/97 on the file of the District Munsif, Trichy and allow the second appeal.

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



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. R. DEVARAJ, Advocate for the petitioners, the court made the following order:-

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This application is filed to condone the delay of 222 days in filing the petition to set aside the abatement caused due to the death of the sole appellant.

2. Notice was ordered to the second respondent on 06.06.2023. Despite giving conditional order that the batta has to be paid within three days, batta has not been paid. Hence, this petition is dismissed for default insofar as the second respondent is concerned.

3. Though the reasons stated in the accompanying affidavit filed in support of the Petition are not satisfied since the delay is huge, however, in order to give an opportunity to the parties to prosecute the appeal, the delay of 222 days is condoned on condition that the petitioners shall deposit a sum of Rs.2,000/- (Rupees Two Thousand only) towards costs before the Registry to the credit of C.M.P(MD).No.3459 of 2023 in S.A.(MD).No.1123 of 2008 on or before **13.07.2023** 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 **14.07.2023** for filing compliance report.

sd/-

27/06/2023

/ TRUE COPY /

/07/2023

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

SSB

TO

1 THE SUBORDINATE JUDGE, TRICHY

2 THE DISTRICT MUNSIF, TRICHY

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.

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



CMP(MD)



23

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.3459 of 2023

IN

SA (MD) .1123 of 2008

Date :27/06/2023

SA/VR/SAR. /05.07.2023/3P/7C