



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.3417 of 2022
in
SA(MD) No.731 of 2015

1 JEEVA
2 SANTHI

... PETITIONERS/APPELLANTS

Vs

1 CHELLASAMY (DECEASED)

... SOLE RESPONDENT

2.K.ANAND
3 K.KANNAN

... RESPONDENTS NO.2 & 3
/PROPOSED RESPONDENTS NO.2 & 3

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 392 days in filing to set aside the abatement caused due to the death of the sole respondent-chellasley in the above SA(MD).No.731 of 2015.

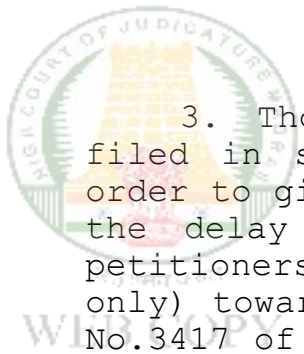
PRAYER IN SA(MD).731/2015 :

To present this Memorandum of Second Appeal before this Hon'ble High Court against the Decree and Judgment passed in A.S.No.73 of 2004 dated 28.06.2010 on the file of the Principal Sub Court, Dindigul, partly reversing the Judgment and Decree passed in O.S.No.1180 of 1993 dated 15.03.1996 on the file of the Principal District Munsif Court, Dindigul decreeing the Appellants / Respondents / Plaintiffs suit.

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

This application is filed to condone the delay of 392 days in filing the petition to set aside the abatement caused due to the death of the sole respondent.

2. Notice were served on the respondents and they appeared through counsel.



3. Though the reasons stated in the accompanying , it filed in support of the Petition are not satisfied, however, in order to give an opportunity to the parties to prosecute the appeal, the delay of 392 days is condoned on condition that the petitioners shall deposit a sum of Rs.4,000/- (Rupees Four Thousand only) towards costs before the Registry to the credit of C.M.P(MD) No.3417 of 2022 on or before 14.07.2023 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 04.08.2023 for filing compliance report.

sd/-

22/06/2023

/ TRUE COPY /

/07/2023

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

am

TO

1 THE PRINCIPAL SUBORDINATE JUDGE, DINDIGUL.

2 THE PRINCIPAL DISTRICT MUNSIF, DINDIGUL.

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.3417 of 2022
in
SA(MD) No.731 of 2015
Date :22/06/2023

RS/VR/SAR- (03.07.2023) 2P 7C

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