



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.1892 of 2019
IN
SA(MD) No.665 of 2009

1 M.ABDUL HAMEED
2 MEHAR BANU

... PETITIONERS/APPELLANTS

Vs

1 M.RAHAMATH BEEVI (DIED)
2 M.ABDUL AJEES (DIED)
3 M.ABDUL RAHMAN (DIED)
4 M.ABDUL KADHER
5 M.AYISHA BEEVI
6 M.AHAMATHU MOHAIDEEN
7 M.PEER DIVAN MYDEEN
8 P.DHANRAJ

... RESPONDENTS 1 TO 8/RESPONDENTS 1 TO 8

9 A.MUMTAJ BEGUM
10 A.MOHAMMED MEERANKANI

... RESPONDENTS 9 & 10
/PROPOSED RESPONDENTS 9 & 10

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 1600 days in filing the application seeking to set aside the abatement caused due to the death of 2nd respondent viz., M.Abdul Ajees in the above Second Appeal.

PRAYER IN SA.665/2009 :

To prefer this memorandum of Second Appeal against the Judgment and Decree passed in A.S.No.67 of 2006 on the file of the Learned Principal District Judge, Tirunelveli dated 27.06.2007 reversing the Judgment and Decree passed in O.S.No.40 of 2004 on the file of 2nd Additional Subordinate Judge, Tirunelveli dated 10.07.2006.

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.P.SENTHIL, Advocate for the petitioners, the court made the following order:-



This application is filed to condone the delay of 1600 days in filing the application to set aside the abatement caused due to the death of the second respondent.

2. 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 1600 days is condoned on condition that the petitioners shall deposit a sum of Rs.16,000/- (Rupees Sixteen Thousand only) towards costs before the Registry to the credit of C.M.P(MD).No.1892 of 2019 in S.A.(MD).No.665 of 2009 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.

3. List the matter on **17.07.2023** for filing compliance report.

sd/-

22/06/2023

/ TRUE COPY /

12/07/2023

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

ssb

TO

- 1 THE PRINCIPAL DISTRICT JUDGE, TIRUNELVELI.
- 2 THE II ADDITIONAL SUBORDINATE JUDGE, TIRUNELVELI.

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.1892 of 2019
IN
SA(MD) No.665 of 2009
Date : 22/06/2023

RS/VR/SAR-(12.07.2023) 2P 7C