



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

Thursday, the Twenty Second day of June Two Thousand and Twenty
Three
PRESENT

WEB COPY

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.2229 of 2019

IN

SA(MD) No.270 of 2009

SIVAKAMI

... PETITIONER/APPELLANT

Vs

1 S.SAKTHI MEYYAPPAN

2 K.PANDI DEVI

3 L.BOSE

4 RM.SOMASUNDARAM

... RESPONDENTS 1 TO 4/RESPONDENTS 1 TO 4

5 SUBBAIAH (DIED)

... FIFTH RESPONDENT in SECOND APPEAL

6 S.PIRAMAN,

7 R.PANDI DEVI,

... RESPONDENTS 6 AND 7/PROPOSED PARTIES

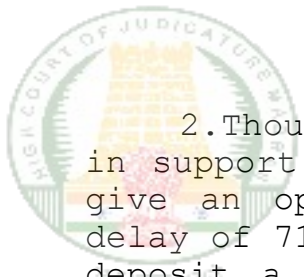
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order condoning the delay of 713 days in filing the application to set aside abatement caused due to the death of the fifth respondent, Subbaiah.

PRAYER in SA(MD) No.270 of 2009:

To set aside the judgment and decree passed in A.S.No.14/2008 dated 19/03/2008 on the file of Sub Court, Devakkottai reversing the judgment and decree passed in O.S.No.147/2005 dated 02/07/2008 on the file of Principal District Munsif cum Judicial Magistrate, Karaikudi and to decree the suit filed by the appellant with costs by allowing this appeal with costs throughout.

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.T.R.JEYAPALAM, Advocate for the petitioner, the Court made the following order:-

This application is filed to condone the delay of 713 days in filing application to set aside the abatement caused due to the death of the fifth respondent in the 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 to prosecute the appeal, the delay of 713 days is condoned on condition that the petitioner shall deposit a sum of Rs.7,000/- (Rupees Seven Thousand only) towards costs before the Registry to the credit of C.M.P(MD)No.2229 of 2019 within a period of 15 days, provided, 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. Notice sent to R6 returned as 'unclaimed'. Since it is deemed service, the Registry is directed to print the name of R6 in the cause list.

4. List the matter on 31.07.2023 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.

myr

TO

- 1 THE SUBORDINATE JUDGE, DEVAKKOTTAI.
- 2 THE PRINCIPAL DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE, KARAIKUDI.

COPY TO :

- 1 THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 2 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 3 THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CMP(MD) No.2229 of 2019

IN

SA(MD) No.270 of 2009

Date :22/06/2023