



WEB COPY



CMP(MD) NO.2880 OF 2019

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

Friday, the Seventh day of July Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN
CMP(MD) No.2880, 2881 & 2882 of 2019

IN
SA(MD) No.248 of 2009

NAGOORGANI (DIED)
M.JESIMA BEGAM

... PETITIONER/PROPOSED APPELLANT
IN ALL CMP'S

Vs

PETCHIAMMAL

... RESPONDENT/RESPONDENT
IN ALL CMP'S

PRAYER IN CMP(MD).2880/2019 :

To condone the delay of 570 days in bringing the petitioner as legal representative of the deceased sole appellant as second appellant in the appeal in SA.No.248 of 2009, pending disposal of the above appeal.

Prayer in CMP(MD). 2881/ 2019 :

To set aside the abatement caused due to the death of the deceased sole appellant in the appeal in SA No.248 of 2009, pending disposal of the above appeal.

Prayer in CMP(MD). 2882/ 2019 :

To bring the petitioner herein as legal representative of the deceased sole appellant in the appeal as second appellant in SA No.248 of 2009, pending disposal of the above appeal.

PRAYER IN SA(MD).248/2009 :

To prefer the Memorandum of Grounds of Second Appeal against the Judgment and Decree dated 20.11.2008 made in A.S.118 of 2007 on the file of Sub Court, Valliyoor Reversing the Judgment and Decree dated 11.01.2007 made in O.S.119 of 2004 on the file of Additional District Munsif Court, Nanguneri.

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



CMP(MD) No.2880 of 2019

MR.V.MEENAKSHI SUNDARAM, Advocate for the petitioner in all CMP's, the court made the following order:-

WEB COPY

These applications are filed to condone the delay of 570 days in filing the petition to set aside the abatement caused due to the death of the sole appellant, set aside the abatement and to bring on record the legal representatives of the deceased sole appellant.

2. This Court by order dated 21.06.2023 has allowed the condone delay petition in C.M.P(MD)No.2880 of 2019 with a cost of Rs.5,000/-. Conditional order of this Court dated 21.06.2023 has been complied with and the memo has been filed to that effect along with Chellan. The said memo is recorded. Therefore, connected C.M.P (MD)Nos.2881 & 2882 of 2019 are also ordered as prayed for.

3. The learned counsel for the petitioner is directed to carry out the necessary amendment in the memorandum of grounds of appeal and also file a fresh amended copy of the memorandum of grounds of appeal within 10 days, provided, on or before 21.07.2023.

4. List the appeal on 25.07.2023.

sd/-

07/07/2023

/ TRUE COPY /

/07/2023

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

am

TO

1 THE SUBORDINATE JUDGE, VALLIYOOR.

2 THE ADDITIONAL DISTRICT MUNSIF, NANGUNERI.

ORDER IN

CMP(MD) No.2880, 2881 & 2882 of 2019

IN SA(MD) No.248 of 2009

Date :07/07/2023

RS/MMS/SAR-(19.07.2023) 2P 3C

Madras High Court is issuing certified
copies in this format from 17/07/2023

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