



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

Wednesday, the Twenty First day of June Two Thousand and Twenty
Three

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PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.2950 of 2019
IN
SA(MD) No.604 of 2009

1 EDWARD MUTHUSAMY

2 MUTHUSAMY (DIED)

3 PANDI

4 MUTHIAH

5 S.ANNAMARIYAL,

6 GNANA PANDI,

7 MALLIKA,

8 MUTHAMMAL,

9 RAJAMANI,

... PETITIONERS/APPELLANTS

Vs

1 LAASAR (DIED ON 30.01.2017)

2 THE STATE OF TAMIL NADU,
REP.THROUGH ITS DISTRICT COLLECTOR,
TIRUNELVELI DISTRICT,
TIRUNELVELI

2 THE STATE OF TAMIL NADU
REP.THROUGH ITS DISTRICT COLLECTOR,
TIRUNELVELI DISTRICT, TIRUNELVELI.

3 THE TAHSILDAR
SANKARANKOVIL TALUK,
SANKARANKOVIL,
TIRUNELVELI.



4 MELA ILANTHAKULAM PANCHAYATH UNION,
REPRESENTING THROUGH ITS PRESIDENT,
MELA ILANTHAKULAM,
TIRUNELVELI DISTRICT.

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

5 L.RUKMANI

6 L.JEEVA PACKIARAJ

7 L.PETER

8 L.WILSON

9 L.TAMIL MANI

10 L.THAVAMANI

... 5 TO 10 RESPONDENTS
/ LRS OF DECEASED 1st RESPONDENT

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 657 days in filing the petition to set aside the abatement cause due to the death of the 1st respondent (M.Laasar) in the main Second Appeal in SA No.604 of 2009.

PRAYER IN SA(MD)No. 604 of 2009:

To set aside the judgment and decree passed in A.S.No. 122 of 2005 dated 04.10.2007 on the file of the Sub Court, Sankarankovil reversing the judgment and decree passed in O.S.No. 35 of 2003 dated 09.03.2005 on the file of the Additional District Munsif Court, Sankarankovil and dismiss the suit in O.S.No. 35 of 2003 on the file of the Additional District Munsif Court, Sankarankovil.

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

The petition is filed to condone the delay of 657 days in filing the petition to set aside the abatement caused due to the death of the first respondent in the Appeal.

2. Notice sent to R4 returned with an endorsement 'unclaimed'. Since it is deemed service, print the name of R4 in the cause list.

3.The proposed respondents are served and they are represented by a counsel. Neither counter has been filed nor objection has been raised.

4. Though, the reasons stated in the accompanying affidavit are not satisfactory, in order to give opportunity to the parties to present their case on the appeal on merits, the petition is allowed on condition



that the petitioners deposit a sum of Rs.6,500/- (Ru_ lx
Thousand Five Hundred only) before the Registry to the credit of
C.M.P.(MD)No.2950 of 2019 in S.A(MD)No.604 of 2009 on or before
13.07.2023, failing which, the petition shall stand automatically
dismissed without any further reference to Court.

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5. List the matter on 14.07.2023 'for reporting compliance'.
sd/-

21/06/2023

/ TRUE COPY /

/06/2023

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

MBI

TO

1 THE SUBORDINATE JUDGE
SANKARANKOVIL.

2 THE ADDITIONAL DISTRICT MUNSIF,
SANKARANKOVIL

COPY TO

1. THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2. THE SUB ASSISTANT REGISTRAR,
AE 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.2950 of 2019
IN
SA(MD) No.604 of 2009
Date :21/06/2023