



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.4423 of 2019

IN

SA(MD) No.286 of 2015

DEIVANAI AMMAL (DIED)

... SOLE APPELLANT

ANANTHAVALLI

...PROPOSED 2ND APPELLANT/
LR OF SOLE APPELLANT

Vs

1 GANESAN

2 PERIAIAH

3 MUTHULAKSHMI

4 NAGARAJ SERVAI

5 SOLAI SERVAI

6 RAMU SERVAI

7 MANIKANDAN

8 PANDI SERVAI

9 KARUPPIAH AMBALAM

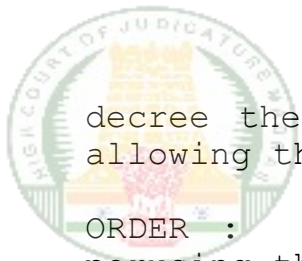
10 P.GANESAN

... RESPONDENTS/RESPONDENTS

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 295 days in filing application to set aside the abatement caused due to the death of the sole appellant namely Deivanai Ammal and thus render justice.

PRAYER IN SA(MD) No.286 of 2015:

To set aside the judgment and decree passed in A.S.No.25/2010 dated 28.02.2014 on the file of the District Court, Sivaganga reversing the well considered judgment and decree in O.S.No.78/2006 dated 03.03.2010 on the file of the Sub Court, Devakkottai and to



decree the said suit filed by the appellant herein with 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.R.SUNDAR SRINIVASAN, Advocate for the petitioner, the court made the following order:-

This application is filed to condone the delay of 295 days in filing application to set aside the abatement caused due to the death of the sole appellant 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 295 days is condoned on condition that the petitioner shall deposit a sum of Rs.2,000/- (Rupees Two Thousand only) towards costs before the Registry to the credit of C.M.P(MD)No.4423 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.List the matter on 31.07.2023 for filing compliance report.

sd/-
22/06/2023

/ TRUE COPY /

/06/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

myr

TO

- 1.THE DISTRICT COURT, SIVAGANGA
- 2.THE SUBORDINATE JUDGE, DEVAKKOTTAI

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.



CMP(MD)



19

3 THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.SUNDAR SRINIVASAN, Advocate (SR-9435[I] dated
23/06/2023)

ORDER
IN
CMP (MD) No.4423 of 2019
IN
SA(MD) No.286 of 2015
Date :22/06/2023

RK/CG/SAR- (28/06/2023) 3P/8C