



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

Friday, the Twenty Third day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.5795 of 2019
IN
SA(MD) No.87 of 2009

1 SUNDARAPANDIAN
2 ATHMANATHAN

... PETITIONERS/APELLANTS

Vs

1 NACHIAR AMMAL (DIED)
2 MANGALESWARI
3 SIVAGUNAM
4 YOGAMBAL (DIED)
5 ESWARI
6 SHANMUGASUNDARAM

... RESPONDENTS 1-6/RESPONDENTS 1-6

7 PETCHIMUTHU
8 DEEPA
9 GOPIKA

... RESPONDENTS 7-9
/LRS OF THE DECEASED 4TH RESPONDENT

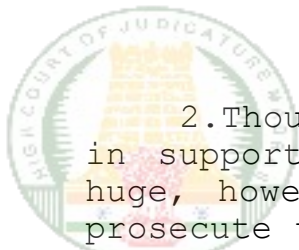
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 890 days in filing the application to set aside abatement caused due to the demise of the 4th respondent.

PRAYER IN SA(MD).87/2009 :

To prefer this Memorandum of Grounds of Second Appeal before this Hon'ble Court against the judgment and decree dated 22.08.2007 passed in A.S.No.11 of 2007 on the file of the Subordinate Judge, Ramanathapuram, reversing the judgment of decree in O.S.No.199 of 2004 dated 26.09.2006 on the file of the Principal District Munsif, Ramanathapuram.

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.V.RAMAKRISHNAN, Advocate for the petitioners, the court made the following order:-

This application is filed to condone the delay of 890 days in filing the application to set aside the abatement caused due to the death of the fourth respondent.



2. Though the reasons stated in the accompanying affidavit 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 890 days is condoned on condition that the petitioners shall deposit a sum of Rs.9,000/- (Rupees Nine Thousand only) towards costs before the Registry to the credit of C.M.P(MD)No.5795 of 2019, within fifteen days, provided, on or before 10.07.2023 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 12.07.2023 for filing compliance report.

sd/-

23/06/2023

/ TRUE COPY /

/07/2023

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

am

TO

1 THE SUBORDINATE JUDGE, RAMANATHAPURAM.

2 THE PRINCIPAL DISTRICT MUNSIF, RAMANATHAPURAM.

COPY TO

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.5795 of 2019
IN
SA(MD) No.87 of 2009
Date : 23/06/2023