



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

Monday, the Twenty Sixth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP (MD) No.5469 of 2023
and
SA (MD) No.171 of 2005

- 1 CHELLAIAH (DIED) ... ---/1st Appellant
- 2 C. MARI
- 3 C. AKILANDAM ... Petitioners 2 & 3 /
Appellants 2 & 3
- 4 C. SATHAPPAN ALIAS DURAI KANNU (DIED)
- 5 C. MEENAKSHI (DIED) ---/Appellants 4 & 5
- 6 C. RAJENDRAN
- 7 C. BALAMURUGAN
- 8 D. PANDIAMMAL
- 9 D. KARUPPAIAH
- 10 D. SARASVATHI
- 11 D. CHANDRASEKAR ... Petitioners 6 to 11 /
Appellants 6 to 11
- 12 ALAGAR
- 13 JEYARAMAN
- 14 INDRANI
- 15 CHANDRA ... Petitioners 12 to 15 /
Proposed Appellants 12 to 15 /
LRs of Deceased 5th Appellant

Vs

1 KALIMUTHU

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



2 MUNIYANDI (DIED)

...---/2nd Respondent

3 SAGAYARANI

4 JUSTINE THIRAVIUM

5 GNANSEKARAN

6 ARULANANTHU

7 JOSEPH

8 K.V. CHELLASAMY

9 KOPERUMDEVI

10 DIVYA PRAKASH

11 MOHANA PRIYA

... Respondnts 1, 3 to 11 /
Respondents 1, 3 to 11

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 3550 days in filing the petition to set aside the abatement caused due to the death of 5th appellant namely Meenakshi in the above Second Appeal in S.A.(MD). No. 171 of 2005.

Prayer in SA(MD) No.171 of 2005:

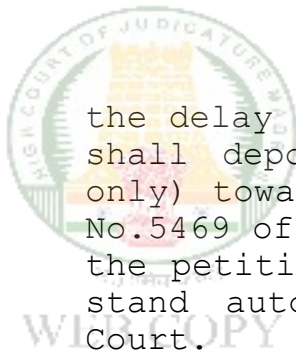
To prefer this memorandum of grounds of appeal against the decree and judgement dated made in O.S.No.9 of 2001 on the file of the Principal District Munsif Court, Sivaganga as set aside the judgement and decree in A.S.No.74 of 2003 on the file of the Sub-Court, Sivaganga.

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.H.ARUMUGAM, Advocate for the petitioners, the court made the following order:-

This application is filed to condone the delay of 3550 days in filing the petition to set aside the abatement caused due to the death of the 5th appellant in the second appeal.

2.Though court notice sent to the respondents were served and their names were printed in the cause list, private notice proof not filed and none-appeared for them.

3. 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 3550 days is condoned on condition that the petitioner shall deposit a sum of Rs.35,000/- (Rupees Thirty Five Thousand only) towards costs before the Registry to the credit of C.M.P(MD) No.5469 of 2023, on or before 21.07.2023 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.

4.List the matter on 24.07.2023 for filing compliance report.

sd/-

26/06/2023

/ TRUE COPY /

/07/2023

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

AM

To

- 1.The Sub Judge, Sivaganga.
- 2.The Principal District Munsif,
Sivaganga.

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,
Accounts Section,
Madurai Bench of Madras High Court, Madurai.
- 4.The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CMP(MD) No.5469 of 2023
and

SA(MD) No.171 of 2005

Date :26/06/2023