



WEB COPY

CMP(MD)



22

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

Tuesday, the Twenty Seventh day of June Two Thousand and Twenty
Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) Nos.4299 of 2022

IN

SA(MD) No.122 of 2008

RAKKAMMAL (DIED)

INDIRANI

... PETITIONER/PROPOSED APPELLANT/
LEGAL HEIRS OF THE DECEASED SOLE APPELLANT

Vs

1 NAVANEETHAKRISHNAN (UNSOUND MIND)
THROUGH HIS WIFE SUBBAMMAL

2 MARIAMMAL

3 GOPALAKRISHNAN

4 DHARMAKRISHNAN

... RESPONDENTS/RESPONDENTS

Prayer in CMP(MD). 4299/ 2022 :

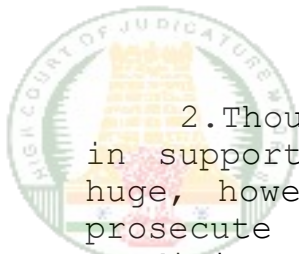
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Condone the delay of 1409 days in filing the petition to set aside the abatement on the death of the sole appellant on the death of the sole appellant namely Rakkammal in the S.A(MD).No.122 of 2008.

Prayer in SA(MD). 122/ 2006 :

To prefer this Memorandum of grounds of Second Appeal against the Judgment and Decree dated 12.09.2007 made in A.S.No.94 of 2005 on the file of Subordinate Judge, Srivilliputhur, reversing the judgment and decree dated 28.10.2005 made in O.S.No.623 of 2004 on the file of Additional District Munsif Court, Srivilliputhur.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.A.K.BASKARAPANDIYAN, Advocate for the petitioner and MR.M.ASHOK KUMAR, Advocate on behalf of the Respondent Nos.3 & 4, the Court made the following order:-

This application is filed to condone the delay of 1409 days in filing the petition to set aside the abatement caused due to the death of the sole appellant.



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 1409 days is condoned on condition that the petitioner shall deposit a sum of Rs.14,000/- (Rupees Fourteen Thousand only) towards costs before the Registry to the credit of C.M.P(MD).No.4299 of 2022 in S.A.(MD).No.122 of 2008 on or before **13.07.2023** 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 **14.07.2023** for filing compliance report.

sd/-

27/06/2023

/ TRUE COPY /

/07/2023

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

ssb

TO

1 THE SUBORDINATE JUDGE, SRIVILLIPUTHUR.

2 THE ADDITIONAL DISTRICT MUNSIF, SRIVILLIPUTHUR.

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.

+1 CC to M/s.A.K.BASKARAPANDIYAN, Advocate (SR-9645[I] dated 27/06/2023)

ORDER IN
CMP(MD) Nos.4299 of 2022
IN SA(MD) No.122 of 2008
Date :27/06/2023

RS/VR/SAR-(04.07.2023) 2P 8C

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