



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

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.5762 of 2021
in
SA(MD) No.925 of 2011

1 VASUKI

2 AKILANDESWARI

3 NALAYINI

... Petitioners / Appellants

Vs

1 RAGHURAMAN (DIED)

2 RAJU

3 ARUNACHALAM

4 ANGAYEE AMMAL

5 ANNAKILI

6 SARAVANAN

7 THIRUVENKADAM

8 MARUDAYEE

9 AMIRTHAM

10 CHINDAMBARAM

11 EZHUMALAI

12 PACHAMUTHU PILLAI

13 KUNJA @ KUNJAYEE AMMAL

14 ARUNACHALAM

... Respondents 1 to 14 /
Respondents 1 to 14



15 PARAMESWARI

16 SARAN

... Respondents 15 & 16 /
Proposed Parties

WEB COPY

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 660 days in seeking to set aside the abatement of S.A.(MD).No. 925 of 2011 caused by the death of the 1st respondent namely Raghuraman.

Prayer in SA(MD) No.925 of 2011:

To set aside the judgment and decree dated 16.11.2010 made in A.S.No.3 of 2010 on the file of District Court, Karur, reversing the judgment and decree dated 31.07.2008 made in O.S.No.29 of 2000 on the file of the Sub Court, Kulithalai and to allow the second appeal.

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.T.M.HARIHARAN, Advocate for the petitioners, the court made the following order:-

This application is filed to condone the delay of 660 days in filing the petition to set aside the abatement caused due to the death of first respondent.

2.Though the reasons stated in the accompanying affidavit filed 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 660 days is condoned on condition that the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) towards costs before the Registry to the credit of C.M.P(MD).No.5762 of 2021 in S.A.(MD).No.925 of 2011 on or before **12.07.2023** 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 **13.07.2023** for filing compliance report.

sd/-

21/06/2023

/ TRUE COPY /

/06/2023

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



To

1.The District Judge,
Karur.

2.The Sub Judge,
Kulithalai.

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.5762 of 2021
in

SA (MD) No.925 of 2011

Date :21/06/2023

ED/VR/SAR- (28/06/2023) 3P 7C