



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

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.6619 of 2021
in
SA(MD) No.336 of 2005

1 M.MUTHIAH (DIED)
2 MUTHULAKSHMI
3 MURUGESHWARI
4 SHANTHI
5 SREENIVASAN
6 RAJKUMAR
7 JEGAVEERAPANDIAN

... PETITIONERS/LR'S OF SOLE APPELLANT

Vs

1 S.PANDIAN @ PERIAPANDI
2 SUNDARARAJ
3 A.PALANIAMMAL
4 MAHALAKSHMI
5 MURUGAN
6 CHINNAPANDIAN

7 ROSALPATTI PANCHAYAT
REP. BY ITS PRESIDENT,
ROSALPATTI,
VIRUDHUNAGAR-626 001.

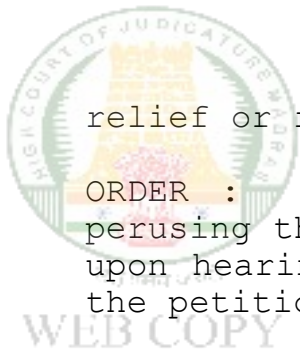
... RESPONDENTS 2 TO 6/RESPONDENTS 2 TO 6

(RESPONDENTS 5 TO 7 ARE GIVEN UP IN THIS SA.)

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 362 days in filing the above petition to set aside the abatement of the above S.A.(MD).No.336 of 2005, on the file of this Hon`ble Court for the reason of not bringing the legal representative of the deceased sole petitioner on record.

PRAYER IN SA(MD).336/2005 :

To set aside the decree and the judgment dated 23.09.2004 passed in A.S.No.59 of 2003 on the file of the Subordinate Judge, Virudhunagar, reversing the decree and the judgment dated 20.02.2003 rendered in O.S.No.322 of 1999 on the file of the District Munsif of Virudhunagar, by allowing this Second Appeal and to grant such other



relief or reliefs that this Hon'ble Court.

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.P.JESSI JEEVA PRIYA, Advocate for the petitioner, the court made the following order:-

This application is filed to condone the delay of 362 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 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 362 days is condoned on condition that the petitioners shall deposit a sum of Rs.3,500/- (Rupees Three Thousand Five Hundred only) towards costs before the Registry to the credit of C.M.P(MD).No.6619 of 2021 in S.A.(MD).No.336 of 2005 on or before **11.07.2023** 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/-

27/06/2023

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/07/2023

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

ssb

TO

1 THE SUBORDINATE JUDGE, VIRUDHUNAGAR.

2 THE DISTRICT MUNSIF, VIRUDHUNAGAR.

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.



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CMP(MD)



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

ORDER
IN
CMP (MD) No.6619 of 2021
in
SA (MD) No.336 of 2005
Date :27/06/2023

RS/VR/SAR-(04.07.2023) 3P 7C