



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

Thursday, the Thirteenth day of July Two Thousand and Twenty Three

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.VELMURUGAN

CMP (MD) Nos.5029 & 5032 of 2020
IN
SA (MD) Nos.1017 & 1018 of 2006

S.REVATHI ... PETITIONER/APELLANT
IN BOTH PETITIONS

Vs

1 R.SHANMUGASUNDARAM (DIED) , ... 1st RESPONDENT/RESPONDENT
IN CMP (MD) .5029/2020

2 S.KARTHIRVEL,

3 GIRIJA RAJAESWARI,

4 THILAGAVATHI, ... RESPONDENTS 2 TO 4/PROPOSED
RESPONDENTS 2 TO 4
IN CMP (MD) .5029/2020

1 THANGARAJ

2 R.SHANMUGASUNDARAM (DIED) ... RESPONDENTS 1 & 2/RESPONDENTS
IN CMP (MD) .5032/2020

3 S.KATHIRVEL

4 GIRIJA RAJESWARI

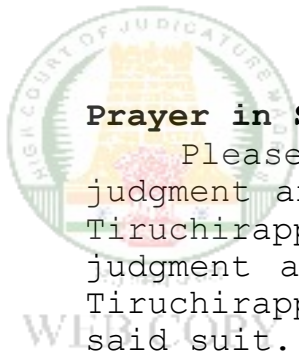
5 THILAGAVATHI ... RESPONDENTS 3 TO 5/PROPOSED
RESPONDENTS 3 TO 5
IN CMP (MD) .5032/2020

Prayer in CMP (MD) . 5029/ 2020 in SA (MD) .1017/2006:

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 2276 days in seeking to set aside the abatement of S.A (MD) .No.1017 of 2006 Caused by the death of the sole respondent namely R.Shanmugasundaram and thus render justice.

Prayer in CMP (MD) . 5032/ 2020 in SA (MD) .1018/2006:

To condone the delay of 2276 days in seeking to set aside the abatement of S.A (MD) .No.1018 of 2006 Caused by the death of the 2nd respondent namely R.Shanmugasundaram and thus render justice.

**Prayer in SA(MD).1017/2006:**

Pleased to allow the above Second Appeal setting aside the judgment and decree of the learned 1st Additional Subordinate Judge, Tiruchirappalli dated 18.04.2006 in A.S.No.30 of 2005 confirming the judgment and decree of the learned 1st Additional District Munsif, Tiruchirappalli dated 28.10.2004 in O.S.NO.1374/98 And dismiss the said suit.

Prayer in SA(MD).1018/2006:

Pleased to allow the above Second Appeal setting aside the judgment and decree of the learned 1st Additional Subordinate Judge, Tiruchirappalli dated 18.04.2006 in A.S.No.31 of 2005 confirming the judgment and decree of the learned 1st Additional District Munsif, Tiruchirappalli dated 28.10.2004 in O.S.NO.923/95 And to allow the said suit.

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.T.M.HARIHARAN, Advocate for the petitioner in both Petitions, the court made the following order:

These applications are filed to condone the delay of 2276 days in filing the petition to set aside the abatement caused due to the death of the sole respondent in the second appeal.

2. Though notice sent to the respondent were served and there names were printed in the cause list, none appeared for the respondents.

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 2276 days is condoned on condition that the petitioners shall deposit a sum of Rs.22,000/- each (Rupees Twenty Two Thousand only) towards costs before the Registry to the credit of C.M.P(MD)Nos.5029 & 5032 of 2020 on or before 04.08.2023 and on deposit of the same, the petitions shall stand allowed, failing which, the Petitions shall stand automatically dismissed without further reference to this Court.

4. List the matter on 07.08.2023 for filing compliance report.

sd/-

13/07/2023

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/07/2023

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



AM
TO

- 1 THE 1ST ADDITIONAL SUBORDINATE JUDGE,
TIRUCHIRAPPALLI
- 2 THE 1ST ADDITIONAL DISTRICT MUNSIF,
TIRUCHIRAPPALLI

COPY TO:

- 1 THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 2 THE SUB ASSISTANT REGISTRAR,
A.E.SECITON,
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) Nos. 5029 & 5032 of 2020
IN

SA (MD) Nos. 1017 & 1018 of 2006

Date : 13/07/2023

SA/DD/SAR. /17.07.2023/3P/8C