



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

Friday, the Twenty Third day of June Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.6515 of 2021
in
SA(MD)No.755 of 2009

ALAGARSAMY

... PETITIONER/APPELLANT

Vs

1 GOVINDAN (DECEASED)

2 K.KALAVATHY

... RESPONDENT/2nd RESPONDENT

3 G.VENKATESAN

... RESPONDENT/PROPOSED RESPONDENT No.3

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 1695 days in filing legal heir petition of deceased 1st Respondent Govindan in the above second appeal.

PRAYER in SA(MD)No.755 of 2009:

To set aside the Judgment and Decree in A.S.NO.217 of 2002 dated 29.06.2009 on the file of III Additional Sub Court, Madurai, reversing the Judgment and Decree made in O.S.No.48 of 1998 dated 23.01.2002 on the file of District Munsif Court, Madurai Taluk, and allow the 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.J.ANANDAVALLI, Advocate for the petitioner, the Court made the following order:-

The petition is filed to condone the delay of 1695 days in filing the petition to set aside the abatement caused due to the death of the 1st respondent in the Appeal.

2. Notice served to the proposed respondents and they have entered appearance through counsel. They have neither filed any counter nor raised any objection.

3. Though, the reasons stated in the accompanying affidavit are not satisfactory to condone the huge delay, in order to give



opportunity to the parties to prosecute the appeal on merits, the petition is allowed on condition that the petitioner shall deposit a sum of Rs.16,000/- (Rupees Sixteen Thousand only) before the Registry to the credit of C.M.P.(MD)No.6515 of 2021 in S.A(MD)No.755 of 2009 on or before 12.07.2023, failing which, the petition shall stand automatically dismissed without any further reference to Court.

4. List the matter on 13.07.2023 'for reporting compliance'.
sd/-
23/06/2023

/ TRUE COPY /

/07/2023

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

MBI
TO

- 1 THE III ADDITIONAL SUBORDINATE JUDGE, MADURAI.
- 2 THE DISTRICT MUNSIF,
MADURAI TALUK.

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,
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.J.ANANDHAVALLI, Advocate (SR-9585[I] dated
26/06/2023)

ORDER
IN
CMP(MD) No.6515 of 2021
in
SA(MD)No.755 of 2009
Date :23/06/2023
(2/2)