



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

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

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.7935 of 2021
in
SA(MD)No.756 of 2009

ALAGARSAMY

... PETITIONER/APPELLANT

Vs

1 S.ALAMELU

2 N.SELVARAJ,

3 SELVARANI,

4 KALAVATHI,

5 S.VIJAYALAKSHMI,

6 L.RAJ (DECEASED)

7 A.SEENIVASAN,

8 P.RADHAKRISHNAN (DIED) ,

9 KUMAR,

10 P.LEELAVATHI,

11 K.KALAVATHI,

12 K.VASU ALIAS VASUDEVAN,

13 LAKSHMI,

14 INDHURANI,

15 NEEVAL,

16 BEEBAI ALIAS VESAL, ... RESPONDENTS/RESPONDENTS
(RESPONDENTS 9,11 TO 16 WERE SET EXPARTE
in LOWER COURT, HENCE THEY ARE GIVEN UP in
THIS APPLICATION)

17 LATHA,

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

18 JAYANTHI,



19 THAMARAI KANNAN,

20 R.LAKSHMANAN,

21 R.SURESH,

22 R.KAMALAKANNAN

... RESPONDENTS/PROPOSED RESPONDENTS 20 TO 22

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 540 days in filing legal heir petition of deceased 6th respondent viz., L.Raj in the above Second Appeal.

PRAYER in SA(MD)No.756 of 2009:

To set aside the Judgment and Decree in A.S.No.218 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.261 of 1993 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.ANANDHAVALLI, Advocate for the petitioner, the Court made the following order:-

The petition is filed to condone the delay of 540 days in filing the petition to set aside the abatement caused due to the death of the 6th respondent in the Appeal.

2. Notice served to the proposed respondents and their names are printed in the cause list.

3. Though, the reasons stated in the accompanying affidavit are not satisfactory, 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.5,000/- (Rupees Five Thousand only) before the Registry to the credit of C.M.P.(MD) No.7935 of 2021 in S.A(MD)No.756 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.



WEB COPY

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.

ORDER
IN
CMP (MD) No.7935 of 2021
in
SA (MD) No.756 of 2009
Date :23/06/2023
(½)

SS/BUC/04/07/2023/3P/7C