



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

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

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.10489 of 2022

IN

SA No.1510 of 1998

1 VAITHIAMMAL
2 SP.RENGAMMAL (DIED)
3 R.GANESAN, (DIED)
4 RM.SHANMUGAM
5 MUTHATHAL

... Petitioners 1,4 & 5 /
Appellants 1 to5

6 VELAYUTHAM
7 BANUMATHI
8 S.VALLIMAYIL
9 KALIAMMAL
10 MURUGANANTHAM
11 KARPAGAM

... Petitioners 6 to 11 /
Proposed Appellants 6 to 11

Vs

1 KAMALAMBAL ACHI (DIED)
2 AL.VR.AL.SUBRAMANIAN CHETTIAR
3 KAILASA THEVAR (DIED)
4 RUKMANI
5 MUTHURAMAN
6 SHANMUGAM ASARI
7 SATHYEYA AMMAL
8 SP.RAMIAH, (DIED)
9 VENKATACHALAM PILLAI
10 CHELLAIAH
11 KALYANIAMMAL
12 PERUMAL NAIDU
13 SP.PERIASAMI
14 KARUPPIAH
15 AL.VR.RAMANATHAN CHETTIAR
16 AL.VR.AL.VEERAPPAN CHETTIAR
17 M.RAMANATHAN
18 M.SUBRAMANIAN
19 S.V.KRISHNAN
20 PANCHAVARNAM



21 G.ALAGAMMAL
22 G.MUTHUKUMAR
23 SRIKUMAR
24 G.VASANTHA
25 KAYAMBU
26 RAJESWARI
27 LALITHA

... Respondents 1,2,4 to 7, 9 to 27 /
Respondents 1 to 27

28 P.VALLIAPPAN
29 P.KAMALA
30 KAYALVIZHI
31 NEPOLIAN
32 VASANTHI
33 MUTHULAKSHMI
34 M.PONNATHAL

... Respondents 28 to 34 /
Proposed Respondents 28 to 34

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 977 days in filing the petition to set aside the abatement caused in respect of the deceased 8th respondent in S.A.No.1510 of 1998 on the file of this Honourable Court.

Prayer in SA No.1510 of 1998:

To prefer this memorandum of grounds of second appeal as against the judgment and decree of the Learned District Judge, Sivagangai, dated 24.12.1996 in A.S.No.15 of 1996 confirming the judgment and decree of the Learned Subordinate Judge in I.A.No.256 of 1990 in O.S.No.31 of 1976 dated 07.10.1994.

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 Mr.A.ARUMUGAM, Advocate for M/S.AJMAL ASSOCIATES, Advocate for the petitioners, the court made the following order:-

This application is filed to condone the delay of 977 days in filing the application to set aside the abatement caused due to the death of the 8th respondent in the second appeal.

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 977 days is condoned on condition that the petitioners shall deposit a sum of Rs.9,000/- (Rupees Nine Thousand only) towards costs before the Registry to the credit of C.M.P(MD)No.10489 of 2022 within a period of one month and on completion of the same, the petition shall stand allowed, failing



which, the Petition shall stand automatically dismissed at further reference to this Court.

3. List the matter on 03.08.2023 for filing compliance report.

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sd/-
23/06/2023

/ TRUE COPY /

/07/2023

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

AM

To

1. The District Judge,
Sivagangai.

2. The Subordinate Judge,
Sivagangai.

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.10489 of 2022
IN
SA No.1510 of 1998
Date : 23/06/2023

ED/ /SAR- (08/07/2023) 3P 7C