



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

Thursday, the Twenty Second day of June Two Thousand and Twenty
Three
PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.427 of 2018

IN

SA(MD) No.844 of 2014

ANTHONY SAMY @ KANNA

... PETITIONER/APELLANT

Vs

1 THANGASAMY (DECEASED)
2 T.KANIPUSHPAM
3 T.SELVARAJ
4 T.DHANRAJ
5 T.AMIRDHARAJ
6 T.GNANARAJ
7 B.GAJALAKSHMI
8 S.SIVAGAMASUNDARI

... RESPONDENT/RESPONDENT

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 536 days in filing Petition to set-aside the abatement caused due to the death of sole Respondent in SA.(MD). No.844/2014.

PRAYER IN SA(MD).844/2014 :

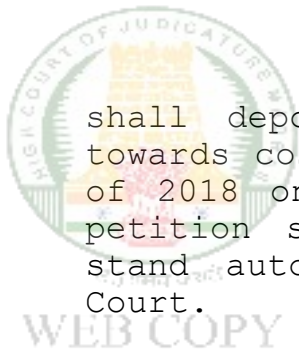
To prefer this Memorandum of Second Appeal against the Judgment and Decree dated 17.03.2014 passed in A.S.No.1 of 2014 by the Principal Subordinate Judge, Dindigul by confirming the judgment and decree dated 25.10.2013 passed in O.S.No.608 of 2009 by the learned Additional District Munsif, Dindigul.

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.M.KARTHIKEYA VENKITACHALAPATHY, Advocate for the petitioner, the court made the following order:-

This application is filed to condone the delay of 536 days in filing the petition to set aside the abatement caused due to the death of the sole respondent in the second appeal.

2.Notice were served on the respondents and their names were printed in the cause list, none appeared for them.

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 536 days is condoned on condition that the petitioner



CMP(MD)



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shall deposit a sum of Rs.5,000/- (Rupees Five Thousa₁) towards costs before the Registry to the credit of C.M.P(MD)No.427 of 2018 on or before 14.07.2023 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.

4.List the matter on 08.08.2023 for filing compliance report.
sd/-

22/06/2023

/ TRUE COPY /

/07/2023

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

am

TO

1 THE PRINCIPAL SUBORDINATE JUDGE, DINDIGUL.

2 THE ADDITIONAL DISTRICT MUNSIF, DINDIGUL.

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.

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

ORDER IN
CMP(MD) No.427 of 2018
IN
SA(MD) No.844 of 2014
Date :22/06/2023

RS/VR/SAR-(05.07.2023) 2P 7C