



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

Thursday, the Sixth day of April Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.3433 of 2023
in
SA No.1093 of 2002

MEENAKSHI AMMAL (DIED),
1.THANGACHIAYYEE

2 NARAYANASAMY,

3 KANNUSAMY,

4 PADMINI,

5 CHINNU,

6 PERIATHAMBI,

7 CHIDAMBARAM,

8 THIRUPATHI,

9 ANANDHI,

10 PARVATHI,

... PETITIONERS/PROPOSED APPELLANTS 2 TO 11/
LR'S OF DECEASED APPELLANT

Vs

1 SWAMINATHAN,

2 THAYYALU,

3 MANIKATHAMMAL,

4 DRAVIDAMANI ALAIS MANGARKARASI

5 THIRUMENI MUDALIAR

6 KULANDAIVELU MUDALIAR,

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated

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

therein and in the affidavit filed therewith the High Court may be
pleased to pass an order to condone the delay of 743 days incurred



in filing an application to set aside the abatement caused due to the death of Sole Appellant in SA.No.1093/2002.

Prayer in SA.No.1093 of 2002:- Second Appeal is filed under Section 100 of the code of Civil Procedure, 1908, against the Judgment and Decree, dated 06.11.2001, passed in Appeal Suit No.30 of 2001, by the learned Principal District Judge, Thanjavur, confirming the Judgment and Decree, dated 18.08.2000, passed in Original Suit No.119 of 1991, by the learned Subordinate Judge, Pattukottai.

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.S.ANAND CHANDRASEKAR, Advocate for M/S.SARVABHAUMAN ASSOCIATES, for the petitioner and of Mr.V.BALAJ, Advocate on behalf of the Respondents 1 to 3, the Court made the following order:-

Since sole appellant died, steps has not been taken within 90 days, therefore, the appeal was dismissed as abated. Hence, this petition has been filed to condone the delay of 743 days in filing the application to set aside the abatement caused due to the death of the sole appellant.

2.Though the reasons stated in the affidavit filed in support of the Petition are not satisfied, however, in order to give an opportunity, this Petition is allowed on condition that the Petitioners shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) towards costs before the Registry to the credit of the C.M.P(MD)No.3433 of 2023 within 15 days from today and on deposit of the same, the petition shall stand allowed and failing which, the Petition shall stand automatically dismissed without further reference to this Court.

3.List the matter on 21.04.2023 for filing compliance report.
sd/-

06/04/2023

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/04/2023

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

TO

1.The Principal District Judge, Thanjavur.

2.The Subordinate Judge, Pattukottai.

Copy to:-

1.The Section Officer,
Judicial Section,

<https://www.mhc tn gov in/judis>
Madurai Bench of Madras High Court, Madurai.



2.The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.SARVABHAUMAN ASSOCIATES, Advocate (SR-5554[I] dated
10/04/2023)

ORDER
IN
CMP (MD) No.3433 of 2023
in
SA No.1093 of 2002
Date :06/04/2023

SS/BUC/SAR I/13/04/2023/3P/6C