



CMP(MD) No.10069 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
Friday, the Twenty First day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD) No.10069 to 10071 of 2016
IN
SA(MD) No.113 of 2006

RAMAYEE AMMAL (DIED)	... ----/1ST APPELLANT IN ALL PETITIONS
KANNIAPPAN	... ----/2ND APPELLANT IN ALL PETITIONS
Vs	
1 KRISHNASAMY REDDIAR (DIED)	
2 RAMARAJ	
3 SHAKIBA BIBI @ SAIDHA BIVI	
4 DOWLATH	... RESPONDENTS/RESPONDENTS IN ALL PETITIONS (L.RS. OF 1ST RESPONDENT KRISHNASAMY REDDIAR)
5 DEVARAJ	
6 VENUGOPAL	... RESPONDENTS 5&6/PROPOSED RESPONDENTS 5 & 6 IN ALL PETITIONS

Prayer in CMP(MD). 10069/ 2016 :

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 2730 days in seeking to set aside the abatement, caused by the death of the 1st respondent in the above SA(MD)No.113 of 2006.

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



CMP(MD) No.10069 of 2016

Prayer in CMP(MD). 10070/ 2016 :

To set aside the abatement caused by the death of the 1st respondent in the above SA(MD)No.113 of 2006.

Prayer in CMP(MD). 10071/ 2016 :

To bring on record the proposed respondents 5 and 6 herein as legal representatives of the deceased 1st respondent in the above SA(MD)No.113 of 2006.

PRAYER IN SA(MD) No.113 of 2006:

To prefer this memorandum of grounds of Second Appeal against the Judgment and Decree passed in A.S.No.180 of 2003 dated 09.09.2005 on the file of the I Additional Subordinate Judge, Trichirappalli confirming the Judgment and decree passed in O.S.No.251 of 1992 dated 16.06.2003 on the file of Court of the District Munsif, Musiri.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S. T.BANUMATHY, Advocate for the petitioner in all the petitions, the court made the following order:-

These applications are filed to condone the delay of 2730 days in filing the petition to set aside the abatement caused due to the death of the first respondent, set aside abatement and to bring on record the legal representatives of the deceased first respondent in the second appeal.

2. This Court by order dated 21.06.2023 allowed the condone delay application on condition that the petitioner shall deposit a sum of Rs.25,000/-. The said order has not been complied with. The petitioner is directed to deposit the said amount on or before 05.09.2023.

3. Being satisfied with the reasons stated in the affidavit filed in support of the



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petition, the delay of 2730 days is condoned and the condone delay petition is ordered. Consequently, connected applications i.e., set aside abatement and to bring record the legal representatives of the deceased first respondent are also ordered as prayed for. Registry is directed to carry out the necessary amendment in the second appeal within a period of two weeks.

sd/-
21/07/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AM
TO
1.THE I ADDITIONAL SUBORDINATE JUDGE, TRICHIRAPPALLI.

2.THE DISTICT MUNSIF, MUSIRI.
COPY TO
THE SECTION OFFICER
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP(MD) Nos.10069 to 10071 of 2016
IN
SA(MD) No.113 of 2006
Date :21/07/2023

PKP/VRS/SAR- /04.09.2023/ 3P/4C
Madurai Bench of Madras High Court is issuing certified
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