



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

Tuesday, the Twentieth day of June Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.10503 of 2016
IN
SA(MD) No.233 of 2006

1 SIVARAJAKANI (DIED)

2 PERUMAL NADAR

3 KOTHANDARAM

... PETITIONERS/APPELLANTS

Vs

1 KASIAMMAL

2 RAJAGOPAL

3 DURAIRAJ (DIED)

4 JEYASEELI

5 ALAGU RATHA

6 PATTU KUMAR

... RESPONDENTS/RESPONDENTS

7 SUYAMBUKANI,

8 MINOR.RAMAN @ LAKSHMANARAJ,

(MINOR REPRESENTED BY HIS MOTHER/
GUARDIAN THE 7th RESPONDENT HEREIN)

... RESPONDENTS 7 & 8/
PROPOSED RESPONDENTS 7 & 8

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 912 days in filing the above application to set aside the abatement caused due to the death of the deceased 3rd respondent viz., Durairaj in the above Second Appeal

PRAYER IN SA(MD).233/2016:

Pleased to prefer this memorandum of Second Appeal against the Judgment and Decree passed in A.S.No.80 of 2005 on the file of the Sub Court, Tuticorin dated 28.07.2005 confirming the Judgment and Decree passed in O.S.No.2 of 2002 on the file of Additional District Munsif Court, Tuticorin dated 29.07.2003.



ORDER : This petition coming up for orders on this day, on perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.P.SENTHIL, Advocate for the petitioners, the court made the following order:-

This application is filed to condone the delay of 912 days in filing the above application to set aside the abatement caused due to the death of the deceased third 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 912 days is condoned on condition that the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) towards costs before the Registry to the credit of C.M.P(MD)No.10503 of 2016 within 10 days, provided, on or before 04.07.2023 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.

3.List the matter on 05.07.2023 for filing compliance report.

sd/-

20/06/2023

/ TRUE COPY /

/06/2023

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

AM

TO

1 THE SUBORDINATE JUDGE,
TUTICORIN.

2 THE ADDITIONAL DISTRICT MUNSIF,
TUTICORIN.

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.

WEB COPY

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

ORDER

IN

CMP (MD) No.10503 of 2016

IN

SA(MD) No.233 of 2006

Date :20/06/2023

SA/VR/SAR. /26.06.2023/3P/7C