



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.3120 of 2016
IN
SA(MD) No.33 of 2012

1 S.GOTHANDARAMASAMY
2 V.JEYAVELUCHAMY

... PETITIONERS/APELLANTS

Vs

1 RAJAMANI @ V.R.RAMASAMY,
2 THULASIMANIAMMAL (DIED)
3 V.R.JEYARAMASAMY
4 RAMAKRISHNA PARAMA
5 GOPALAKRISHNAN
6 RAMALAKSHMI (DIED)
7 RADHA

... RESPONDENTS/RESPONDENTS

8 M.VIJAYARAGAVAN

... RESPONDENT/PROPOSED RESPONDENT

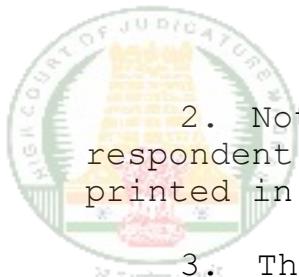
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 1273 days in filing the setting aside abatement petition.

PRAYER IN SA(MD).33/2012 :

To prefer this Memorandum of Grounds of Second Appeal as against the Judgment and Decree passed in A.S.No.39 of 2010 on the file of Learned Sub court, Kovilpatti dated 21.06.2011 confirming the Judgment and Decree passed in O.S.No.21 of 2004 on the file of the District Munsif cum Judicial Magistrate, Vilathikulam dated 09.03.2010.

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.D.SRINIVASARAGAVAN, Advocate for the petitioner and MR.P.SRINIVAS, Advocate on behalf of the 8th Respondent and none appeared either in person or by an advocate on behalf of the 7th Respondent, the court made the following order:-

This application is filed to condone the delay of 1273 days in filing the petition to set aside the abatement caused due to the death of the 6th respondent in the second appeal.



2. Notice was served on the proposed respondents and respondent appeared through counsel and the 7th respondent name also printed in the cause list, none appeared for the 7th respondent.

3. 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 1273 days is condoned on condition that the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) towards costs before the Registry to the credit of C.M.P(MD)No.3120 of 2016, within 10 days, provided, on or before 03.07.2023 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 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, KOVILPATTI.

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, VILATHIKULAM.

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.

2 THE SECTION OFFICER, JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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

+1 CC to M/s.D.SRINIVASARAGAVAN, Advocate (SR-9181[I] dated
20/06/2023)

ORDER IN
CMP(MD) No.3120 of 2016
IN SA(MD) No.33 of 2012
Date :20/06/2023

RS/VR/SAR-(26.06.2023) 2P 8C

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