



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

Tuesday, the Eleventh day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.7720 of 2016
IN
SA No.1574 of 2003

1 THIRU MANIVASAKAM
2 V.RAGHUPATHI,
3 ANANTHA SIVAMANI,
4 RAMAKRISHNAN

... PETITIONERS/APELLANTS

Vs

1 PERUMAL (DIED)
THANGAIAH (DIED)
2 ESWARI
3 T.RAMASAMY (DIED)
4 T.GOPALAKRISHNAN,
5 V.INDIRANI,
6 S.MUTHULAKSHMI
7 N.K.GEETHA
8 T.KASIRAJAN,
9 P.PERIYASAMY,
10 M.MAHALAKSHMI,
11 P.RAMACHANDRAN,
12 P.POOMAN

... RESPONDENTS 2 TO 8/
PROPOSED RESPONDENTS 3 TO 9



14 P.PARAMASIVAN

... RESPONDENTS 9 TO 14
PROPOSED RESPONDENTS 10 TO 15

15 R.THANGA KRISHNAN

16 S.MEENAKSHI

... RESPONDENTS 15 & 16/
PROPOSED RESPONDENTS 16 & 17

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 2495 days in filing the above application to set aside the abatement caused due to the death of the deceased 3rd respondent viz., T.Ramasamy, in the above Second Appeal.

PRAYER IN SA.No.1574/2003:

To present this Memorandum of Second Appeal against the Judgment and Decree dated 19-11-2002 passed in A.S.No.32/1995 on the file of Subordinate Court, Tuticorin confirming the Judgment and Decree dated 27-01-1995 passed in O.S.No.38/1988 on the file of Additional District Munsif Court, Tuticorin.

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.J.ANTONY JESUS, Advocate for M/S.M.P.SENTHIL, Advocate for the petitioners, the court made the following order:-

This petition has been filed to condone the delay of 2495 days in filing the application to set aside the abatement caused due to the death of the deceased third respondent viz., T.Ramasamy in the second appeal.

2. Despite notice served and name printed, the respondents have not filed any counter or objection. Though the reasons stated in the accompanying affidavit filed in support of this petition are not satisfied, however, in order to give an opportunity to the petitioners, this petition is allowed on payment of cost of Rs.25,000/- (Rupees Twenty Five Thousand only) before the Registry to the credit of C.M.P. (MD).No.7720 of 2016 on or before 17.07.2023, failing which this petition shall stand dismissed automatically without further reference to this Court.

3. List the matter on 18.07.2023 for compliance.

sd/-

11/07/2023

/ TRUE COPY /

14/07/2023

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



AKV
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.

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

ORDER

IN

CMP (MD) No.7720 of 2016

IN

SA No.1574 of 2003

Date :11/07/2023

SA/VR/SAR. /14.07.2023/3P/7C