



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

Friday, the Sixteenth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

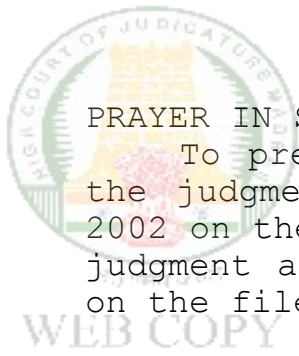
C.M.P(MD)No.12862 of 2022
in
S.A.No.1679 of 2003

1 GOPINATH (DIED), ... APPELLANT
2 N.LEELAVATHY ... 2ND PETITIONER/
PROPOSED APPELLANT
LRS OF SOLE APPELLANT

Vs

1 S.PONNAMMAL (DIED)
REP BY LRS ...1ST RESPONDENT
2 TAMILNADU ELECTRICITY BOARD
REP BY SUPERINTENDING ENGINEER,
TIRUNELVELI.
3 JUNIOR ENGINEER
TAMIL NADU ELECTRICITY BOARD, SAMATHANAPURAM,
PALAYAMKOTTAI. ...RESPONDENTS 2 & 3/
RESPONDENTS 2 & 3
4 S.KUMARASAMY
5 S.SURIYANARAYAN
6 V.GOMATHI
7 T.JEYANAYAGAM
8 S.SOMASUNTHARAM ... RESPONDENTS 4 TO 8/
PROPOSED RESPONDENTS/
LRS OF 1ST 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 3579 days in filing the petitions to set aside the abatement caused due to the death of the 1st respondent in the above S.A.No. 1679 of 2003 and thus render justice.



PRAYER IN S.A.No.1679 of 2003:

To prefer this memorandum of grounds of Second Appeal against the judgment and decree dated 24.10.2002 and made in AS No.52 of 2002 on the file of Principal Sub Court, Tirunelveli, confirming the judgment and decree dated 18.10.2001 and made in O.S.No.22 of 1996 on the file of II Additional District Munsif, Tirunelveli.

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 T.R.RAJARAMAN, Advocate for the petitioner and of M/S.D.NALLATHAMBI, Advocate on behalf of the Respondents the court made the following order:-

The petition is filed to condone the delay of 3579 days in filing the petition to set aside the abatement caused due to the death of the first respondent in the Appeal.

2. Heard the learned counsel appearing for the petitioner. The learned counsel appearing for the respondents have no serious objection except to allow the petition on cost.

3. The reasons stated in the accompanying affidavit for condoning the huge delay of 3579 days are not satisfactory. However, in order to give opportunity to the parties to resolve the dispute on merits, the petition is allowed with cost of Rs.25,000/- (Rupees Twenty Five Thousand only). The petitioners are directed to deposit Rs.25,000/- before the Registry to the credit of C.M.P.(MD)No.12862 of 2022 in S.A.No.1679 of 2003 on or before 28.06.2023 and file a Memo to that effect.

4. List the matter on 30.06.2023 'for reporting compliance'.

sd/-
16/06/2023

/ TRUE COPY /

/06/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

tta

TO

1.THE PRINCIPAL SUBORDINATE JUDGE, TIRUNELVELI,

2.THE II ADDITIONAL DISTRICT MUNSIF, TIRUNELVELI.



COPY TO

1. THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

C.M.P (MD) No.12862 of 2022

in

S.A.No.1679 of 2003

Date :16/06/2023

RK/BUC/SAR- (21/06/2023) 3P/6C