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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

CMP(MD) No.10249 of 2021
in
SA.No.14 of 2003

1 K.ALAGARSAMY, (DIED)

... 1st APPELLANT

2 A. JEYAPRAKASH,

3 KALYANASUNDARI,

4 SUNDARARAJAMOOTHY,

5 KOUSALYA,

6 TAMILSELVI,

7 PUSHPALATHA,

8 UMA MAHSWARI,

9 A. MURUGANANDAM,

... PETITIONERS/APPELLANTS 2 TO 9

Vs

RAMAMOORTHY (DIED),

1 GURUSAMY

... 1st RESPONDENT/2nd RESPONDENT

2 R. MUNIRATHNAM,

3 R. RAJASEKAR,

4 R. SUDHAKARAN,

5 S. MALATHY,

6 R. PANDITHURAI

... RESPONDENTS 2 TO 6/
PROPOSED RESPONDENTS 3 TO 7/
LRs OF DECEASED 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 165 days incurred in filing an application to set aside the abatement caused due to the death of Ist respondent in S.A. No. 14 of 2003.



Prayer in SA. 14/ 2003 :

To prefer this Memorandum of Grounds of Second Appeal u/s.100 CPC against the judgement and decree dated 18/01/2002 and made in A.S.No.83/98 on the file of the Prl. District Judge, Madurai, confirming the judgement and decree dated 17/04/98 made in O.S.No.37/97 on the file of the District Munsif Court, Melur.

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.S.ANAND CHANDRASEKAR, Advocate for M/S.SARVABHAUMAN ASSOCIATES, for the petitioner, the Court made the following order:-

This application is filed to condone the delay of 165 days in filing the petition to set aside the abatement caused due to the death of the first respondent.

2.Though the reasons stated in the accompanying affidavit filed in support of the Petition are not satisfied, however, in order to give an opportunity to the parties, the delay of 165 days is condoned on condition that the petitioners 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.10249 of 2021 on or before 28.06.2023 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 30.06.2023 for filing compliance report.

sd/-

16/06/2023

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/06/2023

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

am

TO

1 THE PRINCIPAL DISTRICT JUDGE,
MADURAI.

2 THE DISTRICT MUNSIF
MELUR.

COPY TO :

1 THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



2 THE SUB ASSISTANT REGISTRAR,
AE 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.10249 of 2021
in
SA.No.14 of 2003
Date :16/06/2023

SS/BUC/22/06/2023/3P/7C