



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.1923 of 2020
IN
SA(MD) No.552 of 2008

1 RAJA RATHINAM NADAR, (DIED)

2 PARVATHI BAI

3 VIJAYAKUMARI

4 RAJASEKAR

5 BRINDHA

6 RAJKUMAR

7 AMUDHA

8 GEETHA

... PETITIONERS/APPELLANT

Vs

1 KAMALAM, DIED

2 N.JAYAKUMAR

3 N.JAYASALI

... RESPONDENTS/RESPONDENTS

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 488 days in filing the petition to set aside the abatement caused to the death of Kamalam sole respondent in the above Second Appeal.

PRAYER IN SA(MD) No.552 of 2008:

Second Appeal against the Judgment and Decree dated 17.03.2004 made in A.S.No.163 of 1997 on the file of the Sub Court Kuzhithurai reversing the Judgment and Decree dated 23.10.1997 made in O.S.No.361 of 1987 on the file of the IInd Additional District Munsif Court, Kuzhithurai.



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.G.PRABHU RAJADURAI, Advocate for the petitioner, the court made the following order:-

WEB COPY This petition is filed to condone the delay of 488 days in filing the petition to set aside the abatement caused due to the death of the sole respondent in the Appeal.

2. Though, the reasons stated in the accompanying affidavit are not satisfactory, in order to give opportunity to the parties to prosecute the appeal on merits, the petition is allowed on condition that the petitioner/s shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) before the Registry to the credit of C.M.P.(MD) No.1923 of 2020 in S.A(MD).No.552 of 2008 on or before 04.07.2023, failing which, the petition shall stand automatically dismissed without any further reference to Court.

3. List the matter on 05.07.2023 'for reporting compliance'.

sd/-

20/06/2023

/ TRUE COPY /

/06/2023

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

mbi

TO

1.THE SUBORDINATE JUDGE, KUZHITHURAI

2.THE IIND ADDITIONAL DISTRICT MUNSIF, KUZHITHURAI.

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,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CMP(MD)



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

WEB COPY

ORDER
IN
CMP (MD) No.1923 of 2020
IN
SA(MD) No.552 of 2008
Date :20/06/2023

RK/BUC/SAR- (28/06/2023) 3P/7C