



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

Monday, the Tenth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.11426 of 2018

IN

SA No.1743 of 2002

MUTHUNAYAGAM,

... PETITIONER/APELLANT

Vs

1 SOLOMAN,

2 SOBHITHARAJ,

3 THANGARAJ (DIED)

4 RAJAMANI (DIED)

5 THANKA NADAR,

6 MUTHAIYAN,

7 NAGAMANI,

8 KAMALABAI,

9 MUTHUNAYAGAM,

10 CHELLAM,

11 POVAZ,

12 CHELLAMMAL, (DIED)

13 DEVARAJ,

14 KANAKARAJ,

15 NESAYYAN,

16 PAULRAJ,

...RESPONDENTS/RESPONDENTS

17 RATHINAM,



18 RATHINAMANI,

19 RAJAN,

20 MADURAMANI,

...PROPOSED RESPONDENTS LRS OF THE
DECEASED 3rd RESPONDENT/RESPONDENTS 17 TO 20

21 PUSHBA BAI,

22 VIJAYAKUMAR,

23 APPASUNDAR,

...PROPOSED RESPONDENTS LRS OF THE
DECEASED 4th RESPONDENT/RESPONDENTS 21 TO 23

24 KANAGARAJ,

25 PAULRAJ,

...PROPOSED RESPONDENTS LRS OF THE
DECEASED 12th RESPONDENT/RESPONDENTS 24 & 25

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 4853 days in seeking to set aside the abatement caused by the death of Thangaraj, the 3rd Respondent in the above Second Appeal.

PRAYER IN SA No. 1743 of 2002:

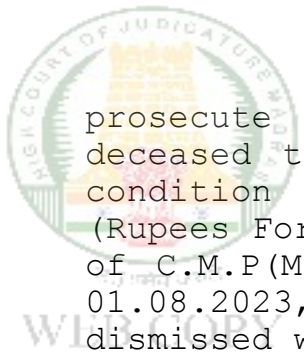
To prefer this Memorandum of Grounds of Second Appeal before this Hon'ble Court against the judgment and decree in A.S.No. 27 of 1994 dated 19.02.2002 on the file of the Subordinate Judge, Padmanabhapuram confirming the Judgment and decree in O.S.No. 779 of 1983 dated 28.02.1994 on the file of the Principal District Munsif, Padmanabhapuram.

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.K.SREEKUMARAN NAIR, Advocate for the petitioner, the court made the following order:-

This petition is filed to condone the delay of 4853 days in filing the petition to set aside the abatement caused due to the death of the third respondent in the appeal.

2. Batta paid for R18 is not in order. Therefore, the same was returned. Hence, this petition is dismissed as against R18 for default. Notice served to R17, R19 and R20 and their names are printed in the cause list. However, there is no appearance for them.

3. Though, the reasons stated in the accompanying affidavit are not satisfactory, in order to give opportunity to the petitioner to



prosecute the appeal against the legal representatives of the deceased third respondent except R18, the petition is allowed on condition that the petitioner shall deposit a sum of Rs.48,000/- (Rupees Forty Eight Thousand only) before the Registry to the credit of C.M.P(MD)No.11426 of 2018 in S.A.No.1743 of 2002 on or before 01.08.2023, failing which, the petition shall stand automatically dismissed without any further reference to Court.

4. List the matter on 02.08.2023 'for reporting compliance'.

sd/-

10/07/2023

/ TRUE COPY /

/07/2023

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

MBI
TO

- 1 THE SUBORDINATE JUDGE,
PADMANABAHAPURAM.
- 2 THE PRINCIPAL DISTRICT MUNSIF
PADMANABHAPURAM.

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.11426 of 2018
IN
SA No.1743 of 2002
Date :10/07/2023