



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

Tuesday, the Twenty Fifth day of April Two Thousand and
Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.6827 of 2017

IN

SA No.2165 of 2001

1 PAUL MOKKIAH KANAGA SABAPATHY @ M.S.PAUL

2 VASANTHA KOKILAM CHELLAM @ VASANTHA SAMUEL (DIED)

THROUGH THEIR POWER AGENT, J.SAMUEL PANDIAN

...PETITIONERS/APPELLANTS 1&2

3 S.J.SAMUEL PANDIAN

4 S.STEEPHEN SUNDARARAJAN

5 S.JAMES THANGARAJ

6 S.THOMAS KANAGARAJ

7 S.MARY LILLY RANI

... PETITIONERS 3 TO 7/

PROPOSED APPELLANTS 3-7

LRS OF THE DECEASED 2ND APPELLANT

Vs

MEENAKSHI AMMAL

... RESPONDENT/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 740 days in filing the petition to set aside the abatement caused due to the death of the 2nd Appellant.

PRAYER IN SA No.2165 of 2001:

Second Appeal against the judgment and decree in A.S.244/97 on the file of the Principal District Judge, Thirunelveli dated 24.11.2000 by confirming the judgment and decree in O.S.111/95 on the file of II Additional District Munsif Court, Tirunelveli, dated 28.10.97.



ORDER : This petition coming up for orders on this day, on perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.BALASUBRAMANIAN, Advocate for the petitioner, the court made the following order:-

The petition is filed to condone the delay of 740 days in filing the petition to set aside the abatement caused due to the death of the second appellant.

2. The reasons stated in the accompanying affidavit are not satisfactory. However, in order to give opportunity to the parties, the petition is allowed with cost of Rs.10,000/- (Rupees Ten Thousand only). The petitioners are directed to deposit Rs.10,000/- before the Registry to the credit of C.M.P.(MD)No.6827 to 2017 in S.A.No.2165 of 2001 on or before 10.05.2023 and file a Memo to that effect.

3. List the matter on 02.06.2023 'for reporting compliance'.

sd/-
25/04/2023

/ TRUE COPY /

/04/2023

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

MBI

TO

1.THE PRINCIPAL DISTRICT JUDGE, THIRUNELVELI

2.THE II ADDITIONAL DISTRICT MUNSIF, TIRUNELVELI

COPY TO

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

2 THE SUB ASSISTANT REGISTRAR(AE),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

3 THE SECTION OFFICER, JUDICIAL NOTICE,
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.6827 of 2017
IN SA No.2165 of 2001
Date :25/04/2023