



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.7479 of 2017

IN

SA No.688 of 2000

1 MALAI THEVAR(DIED)

2. MUTHAMMAL

3 SUDALAI KANNU

... PETITIONERS/APPELLANTS

Vs

1 PAUL MOOKIAH KANAKASABAPATHY @ M.S.PAUL

2 VASANTHAKOKILAN CHELLAM @

VASANTHA SAMUVEL(DIED ON 24.12.2014)

(BOTH OF THEM THROUGH THEIR POWER AGENT,
S.J.SAMUVEL PANDINA)

...RESPONDENT/RESPONDENTS

3 S.J. SAMUEL PANDIAN

4 S. STEEPHEN SUNDARARAJAN

5 S. JAMES THANGARAJ

6 S. THOMAS KANAGARAJ

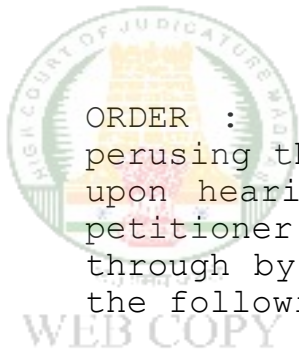
7 S. MARY LILLY RANI

... PROPOSED RESPONDENTS 3 TO 7/
LRS OF THE DECEASED 2ND 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 759 days in filing the petition to set-aside the abatement caused due to the death of the 2nd Respondent (Late Vasantha Kokilam Chellam @ Vasantha Samuel) in the Second Appeal in S.A.No. 688 of 2000.

PRAYER IN SA No.688 of 2000:

Second Appeal filed under section 100 of hte code of Civil Procedure, against the judgment and decree in A.S.No.69/1998 dated 11.10.1999 on the file of the 1st Additional District Court, Tirunelveli, as confirmed the judgment and decree passed in O.S.No.589 of 1996 dated 20.04.1998 on the file of the Principal District Munsif, Tirunelveli.



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.D.NALLATHAMBI, Advocate for the petitioner and not appeared for the respondents either in person or through by an advocate on behalf of the Respondents, the court made the following order:-

The petition is filed to condone the delay of 759 days in filing the petition to set aside the abatement caused due to the death of the second respondent.

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.7479 to 2017 in S.A.No.688 of 2000 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 /

28/04/2023

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

mbi

TO

- 1.THE 1ST ADDITIONAL DISTRICT JUDGE, TIRUNELVELI,
- 2.THE PRINCIPAL 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.7479 of 2017

IN SA No.688 of 2000

Date :25/04/2023