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CMP(MD) N



22

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

Thursday, the Twenty Second day of June Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN
CMP(MD) No.12641 of 2022

in
SA(MD) No.158 of 2013

1 E.MUTHIAH
2 E.VEERAMUTHU
3 E.KRISHNASAMY
4 MUTHAMMAL

... Petitioners / Appellants

Vs

1 SMT.PARVATTHIAMMAL
PACKIYATHAMMA (DIED)
V.VILLAYUTHAM PILLAI (DIED)
2 P.MUTHURAJAN (DIED) .
3 K.MANIKANDAN
4 P.GOMATHI
5 P.V.KANAKASUNDARI
6 P.V.YOGESWARAN
7 P.V.AMBIKA @ NEELAMBIGAI
8 P.V.VISWESWARAN
9 P.V.ALAMELU MANGAI
10 P.V.VIDYA DEVI

11 P.V.JAGADEESWARA BAGYESWARAN
12 VISALAKSHI
13 SATHIYABAMA
14 SARWESWARAN
15 PURADHANI

... Respondents 1 to 11 /
Respondents

... Respondents 12 to 15 /
Proposed Respondents 12 to 15 /
LRs of 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 1455 days occurred in filing application to set aside abatement caused against the death of the 2nd respondent.

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Prayer in SA(MD) No.158 of 2013:

To call for the records relating to judgment and decree dated 22.11.2012 in A.S.No.14 of 2009 on the file of Additional District cum Sessions Judge, Theni, reversing the judgment and decree dated 09.01.2008 in O.S.No.383 of 2000 on the file of the Subordinate Judge, Periyakulam, set aside the same, thereby allow the present second appeal.

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.C.MAHADEVAN, Advocate for the petitioners, the court made the following order:-

This petition has been filed to condone the delay of 1455 days in filing the petition to set aside the abatement caused due to the death of the second respondent.

2. Notice delivered and not claimed. Therefore, deemed service. Print the name of the respondents.

3. Though the reasons stated in the accompanying affidavit filed in support of this petition are not satisfied, in order to give an opportunity to the parties to prosecute the appeal, the delay of 1455 days is condoned on condition that the petitioners shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) towards costs before the Registry to the credit of CMP(MD)No.12641 of 2022 on or before 17.07.2023 and on deposit of the same, the petition shall stand allowed, failing which, the petition shall stand dismissed automatically without further reference to this Court.

4. List the matter on 31.07.2023 for filing compliance report.

sd/-
22/06/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN

<https://www.mhc.tn.gov.in/judis>



To

1.The Additional District cum Sessions Judge,
Theni.

2.The Subordinate Judge,
Periyakulam.

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.

4.The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CMP (MD) No.12641 of 2022
in

SA (MD) No.158 of 2013

Date :22/06/2023

ED/VS/SAR- (03/07/2023) 3P 7C