



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

Wednesday, the Twenty Sixth day of April Two Thousand and
Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

C.M.P(MD)No.3113 of 2023

in

S.A.No.2121 of 2002

1. C. SWAMINATHAN (DIED) ...SOLE APPELLANT

2 S. DEVADOSS

3 S. PANEERSELVAM

...2ND & 3RD PETITIONERS/
2ND & 3RD PROPOSED APPELLANTS

Vs

SAINT ANTONYS CHURCH,
MANERI,MEKALATHUR POST,
THOGUR VIA, THANJAVUR TALUK,
THANJAVUR DISTRICT.
REP.BY ITS PARISH PRIEST,
REV.FR.JOSEPH ANTONYRAJ,
S/O.MARIYASOOSAI, ROMAN CATHOLIC
RESIDING AT CHURCH PRECINTS,
MARNERI.

... 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 2654 days in filing set aside the abatement caused due to the death of the sole appellant (Swaminathan) in the Second Appeal in S.A. No. 2121/2002 and thus render justice.

PRAYER IN S.A.No.2121 of 2002:

Second Appeal to this honble Court against the Judgment and Decree dated 14.03.2002 made in A.S.No.10 of 2002 on the file of the Court of the Principal District Judge, Thanjavur reversing the Judgment and decree dated 05.11.2001 made in O.S.No.90 of 2000 on the file of the Court of the District Munsif, Thiruvaiyaru.

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 not appeared for the Petitioners and respondent either in person or through by an advocate, the court

<https://www.mcaonlinejudis.org> following order:-



Since the sole appellant died, steps has not been taken within 90 days, therefore, the appeal was dismissed as abated. Hence, this petition has been filed to condone the delay of 2654 days in filing the application to set aside the abatement caused due to the death of the sole appellant.

2. No representation for the petitioners. Though notice served on the respondent and the name is also printed in the cause list, there is no representation.

3. Though the reasons stated in the affidavit filed in support of the Petition are not satisfied, however, in order to give an opportunity, this Petition is allowed on condition that the Petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) towards costs before the Registry to the credit of the C.M.P(MD)No.3113 of 2023 on or before 19.05.2023 and on deposit of the same, the petition shall stand allowed, failing which, the Petition shall stand automatically dismissed without further reference to this Court.

4. List the matter on 02.06.2023 for filing compliance report.

sd/-
26/04/2023

/ TRUE COPY /

03/05/2023

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

am

TO

1. THE PRINCIPAL DISTRICT JUDGE, THANJAVUR.

2 THE DISTRICT MUNSIF, THIRUVAIYARU.

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.



C.M.P(MD)



23

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
C.M.P (MD) No.3113 of 2023
in
S.A.No.2121 of 2002
Date :26/04/2023

RK/VR/SAR-4 (03/05/2023) 3P/7C