



CMP(MD) No.2695 of 2024

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

Wednesday, the Eleventh day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP(MD) No.2695 of 2024

in

SA No.1570 of 2004

1 SARASWATHI AMMA (DEAD)

2 THANGAM

3 CHELLAN

4 ASHOK KUMAR

5 VILASINI

6 SIVA PRASAD

... PROPOSED APPELLANTS 2 TO 6
/LEGAL HEIRS OF APPELLANT

Vs

SREEDHARAN NAIR

... RESPONDENT/RESPONDENT

Civil Miscellaneous 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 2862 days in filing the petition to set aside the abatement caused by the death of Saraswathi Amma, Appellant herein in the above Second Appeal.

Prayer in SA No.1570 of 2004 :

To prefer this Memorandum of Second Appeal against the Judgment and Decree passed in A.S.No.33/1997 dated 19-09-2003 on the file of the Sub Court, Padmanabhapuram, confirming the Judgment and Decree passed in O.S.No.900/1994 dated 28.11.1996 on the file of the Additional District Munsif Court, Padmanabhapuram.

<https://www.mhc.tn.gov.in/judis> ORDER : This Civil Miscellaneous Petition coming up for orders on this day, upon



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perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.L.SHAJI CHELLAN, Advocate for the petitioner, the court made the following order:-

This petition has been filed to condone the delay of 2862 days in filing an application to set aside the abatement caused due to the death of the appellant/Saraswathi Amma in S.A.No.1570 of 2004.

2.The learned counsel appearing for the respondent has no objection for allowing this petition.

3.Having been satisfied with the reasons assigned in the affidavit filed in support of this petition and in view of the no objection expressed by the learned counsel for the respondent, this Civil Miscellaneous Petition is ordered on condition that the petitioners pay a sum of Rs.5,000/- (Rupees Five Thousand Only) to the learned counsel appearing for the respondent, within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition shall stand automatically dismissed, without further reference to this Court.

4.For reporting compliance, post the matter on 25.09.2024.

sd/-

11/09/2024

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/09/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE SUBORDINATE JUDGE, PADMANABHAPURAM.

2 THE ADDITIONAL DISTRICT MUNSIF, PADMANABHAPURAM.

ORDER

IN

CMP(MD) No.2695 of 2024

in

SA No.1570 of 2004

Date :11/09/2024

RS/VR/SAR-(13.09.2024) 3P 3C

Madurai Bench of Madras High Court is issuing
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