



CMP(MD) No.8897 of 2025

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

Tuesday, the Seventeenth day of June Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE G. ARUL MURUGAN

CMP(MD) No.8897 of 2025
in
SA(MD)No.SR2195 of 2022

A.RAJAGOPAL (DIED)

(CAUSE TITLE IS ACCEPTED VIDE COURT
ORDER DATED 06.06.2025 MADE in CMP(MD)
No.7735/2025 in SA(MD)SR.No.2195/2022 BY
GAMJ)

1 PARVATHY

2 SRIRANGAM

3 SHANTHI

4 ALAKIYA NAMBI

5 THANGA ESWARI

... PETITIONERS/ APPELLANTS

Vs

1 MARIYATHAI RAMAR

2 AZHAGIYA NAMBIYAR

3 CHELLAIAH KONAR



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4 MURUGAIAH

5 VELAIAH KONAR

... RESPONDENTS/RESPONDENTS

For Petitioner: Mr.N.VIGNESH, Advocate

ORDER

This petition is filed to condone the delay of 1165 days in re-presenting the second appeal.

2. Heard the learned counsel for the petitioners/appellants and perused the materials available on record.

3. I have perused the affidavit filed in support of the petition. It is seen that as against the judgment and decree dated 04.09.2021 in A.S.No.121 of 2019, originally one Rajagopal, who is the respondent in A.S.No.121 of 2019 had filed second appeal before this Court on 10.01.2022 itself and the same was returned for some defects on 12.01.2022. In the mean time, the said Rajagopal became bedridden and subsequently, he died on 09.08.2024. Thereafter, the petitioners had come up with the petition to accept the cause title, which seems to be ordered. Thereafter, the papers have been represented. However, the delay of 1165 days is occurred in representing the second



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appeal. Even though the delay in representation is huge, in view of the reasons averred by the petitioners in paragraph Nos.5 to 7 of the affidavit and in my considered opinion, the petition may be allowed by putting the petitioners on terms.

4. In such circumstances, this Civil Miscellaneous Petition is allowed on condition to pay a cost of Rs.5,000/- to the credit of Legal Services Committee attached to this Bench, within a period of two weeks from today.

sd/-
17/06/2025

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/06/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSG

TO

THE OFFICER INCHARGE,
HIGH COURT LEGAL SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP(MD) No.8897 of 2025
in
SA(MD)No.SR2195 of 2022
Date :17/06/2025

SS/SAR- /20/06/2025/ 3P/2C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023