



CMP(MD) NO. 9534 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25-06-2025

CORAM

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

CMP(MD) NO. 9534 of 2025

IN

SA(MD) SR NO. 59230 OF 2021

Abraham Neson Asir @ William (Died) M.Elizabeth
Lalithakumari

W/o.Latae. Abraham Nelson Asir @ William, Edayanvilai,
Kallian Caud, Vadasery village, Agasteeswaram Taluk,
Kanyakumari district. (Cause title is accpeted vide court
order dated 09.06.2025 made in CMP(MD) No.8145/2025 in
SA(MD)Sr.No.59230/2021 by GAMJ

Petitioner(s)

Vs

Vivekananda Rock Memorial And
Vivekananda Kendra Kanyakumari, Through its General
Manager, Vivekanandapuram, Kanyakumari District.

Respondent(s)

For Petitioner(s):

M/S. M.P.Senthil
A.Mohamedhaneef
R.Narmathan

For Respondent(s):

ORDER

This petition is filed to condone the delay of 1147 days in representing the

above second appeal.

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



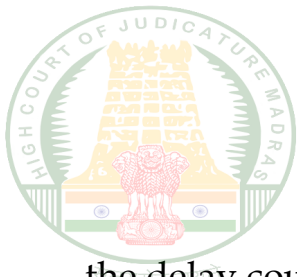
CMP(MD) NO. 9534 of 2025

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2. Heard the learned counsel for the petitioner and perused the affidavit filed in support of this petition.

3. It is seen from the records that as against the judgment and decree dated 22.01.2020 passed in A.S.No.56 of 2014 on the file of the I Additional Subordinate Court, Nagercoil, the sole plaintiff/ Abraham Neson Asir @ William, filed the second appeal on 24.11.2021. Papers were returned for certain defects on 25.11.2021. Thereafter, the sole plaintiff got affected due to COVID - 19 and also due to severe heart ailment, and he was also hospitalized. However, ultimately, he died in November 2024. The petitioner is the wife of the sole plaintiff. Thereafter, the petitioner herein collected the papers and took steps and now represented the appeal along with the petition to accept the cause title. Since her husband died prior to the second appeal being numbered, the petition to accept the cause title was ordered by this court on 09.06.2025. Pursuant to which, the present petition to condone the delay of 1147 days in representing the second appeal is listed.

4. The delay that occurred has been explained in detail by the petitioner in paragraphs 3 to 7 of the affidavit. Though there is an inordinate delay of 1147 days, in view of the explanation offered by the petitioner and also considering the fact that the petitioner's husband got infected and also had a severe heart ailment and was continuously hospitalized and ultimately died, I am of the considered opinion that



CMP(MD) NO. 9534 of 2025

the delay could be condoned by putting the petitioner on terms.

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5. In view of the above, this petition is ordered on condition that the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Legal Service Committee, attached to this Bench, within a period of two weeks from the date of receipt of a copy of this order, failing which, the petition shall stand automatically dismissed without any further reference to this Court.

sd/-
25/06/2025

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/07/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

skn

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

ORDER
IN
CMP(MD) NO. 9534 of 2025
IN
SA(MD) SR NO. 59230 OF 2021
Date :25/06/2025

MK/03.07.2025 3P/2C

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