



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Tuesday, the Thirty First day of March Two Thousand and Nine

PRESENT

The Hon`ble Mr.Justice S.K.KRISHNAN

CMP(MD).No.3551 to 3553 of 2006

IN

SA No.1589 of 1998

R.Ranjini (Deceased)

1) C.Subhashini

2.R.VeeraKumar ... Petitioners/2nd Appellant/Lrs of the
Deceased 1st Appellant

Vs

1 A.Panchavarnam

2 A.Jhansi

3 C.Jayaraj

4 Paulgrace

5 Kasthuri

6 Meenatchithai

7 Karunakaran

... Respondents/Respondents

Prayer in CMP(MD).No.3551 of 2006:-

This Civil Miscellaneous Petition filed under section 5 of limitation Act, to condone the delay of 996 days in filing the application to set aside the abatement of the above Second Appeal in SA.1589/1998 on the file of this Honourable Court in so far as the first appellant R.Ranjani is concerned.

Prayer in SA No.1589 of 1998:-

This Second Appeal filed under section 100 of C.P.C., to set aside and the decree and judgment dated 20.07.1998 rendered in AS No.21 of 1998 on the file of the Additional Subordinate Judge, Srivilliputhur, in so far it related by reducing the share from 3/5 to 2/5 by modifying the decree and judgment dated 04.09.1997

<https://www.mhc2n65v.in/judis>



rendered in OS No.21 of 1996 on the file of the District M of Sivakasi.

ORDER:-

This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.Subbiah, Advocate for the Petitioner this Court made the following order:

These petitions are to condone the delay of 996 days in filing the applications to set aside the abatement and to bring on record the LRs of deceased 1st appellant of the second Appeal papers filed S.A.No.1589 of 1998.

2.I have heard the learned counsel for the petitioners and I have gone through the affidavit filed in support of the petitions. Though I am satisfied with the reasons adduced therein for condoning the delay, these petition are to be allowed with costs.

3.Accordingly, these petitions are allowed with a cost of Rs.1000/-(Rupees One Thousand only)payable by the petitioners to the learned counsel for the respondents within a period of four weeks from today. On such payment being made and the receipt shown to the Registry, the Registry shall post the Second Appeal for enquiry if it is otherwise in order.

4.It is also made clear that if any default is made in payment as stipulated above, these petitions shall stand dismissed automatically without further reference to this court.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/05/2023

Sub Assistant Registrar(CS)

TO

+1 CC to M/S.P.JESSI JEEVA PRIYA, SR.No.4257.

ORDER DATED : 31/03/2009

=====

ORDER

=====

CMP(MD). No.3551 to 3553 of 2006
in

SA(MD)1589 OF 1998

Giving direction and etc.
as stated within.