



CMP(MD)No..
in SA(MD)No.751 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 22-01-2026

**CORAM
THE HONOURABLE MR JUSTICE K.MURALI SHANKAR**

CMP(MD) No.3495 of 2025

in

SA(MD) No.751 of 2015

Subramani

**Petitioner/
Appellant**

Vs

1.Palaniappan

**1st Respondent/
1st Respondent**

2.M.Murugan (Died)

2nd Respondent

3.K.Samundia Pillai (Died)

3rd Respondent

4.Gomathi

**4th Respondent/
proposed 4th Respondent/
Legal Heir of the deceased 3rd Respondent**

5.Muthammal

6.Mariyappan



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7.Palaniammal

8.Lakshmi

9.Nagu

**5 to 9th Respondents/
proposed 5 to 9th Respondents/
Legal Heirs of 2nd Respondent**

This Civil Miscellaneous Petition filed under Section 5 of Limitation Act praying to condone the delay of 1080 days in filing the petition to set aside the abatement caused due to death of 2nd respondent in the S.A.(MD)No.751 of 2015 on the file of this Court.

For Petitioner: Mr.G.Gomathi Sankar, Advocate

For Respondents: Mr.M.Saravanan, Advocate for R1 & R5 to R9

ORDER

The above petition has been filed seeking orders to condone the delay of 1080 days in filing the petition for setting aside the abatement caused due to the death of the second respondent in the second appeal.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1 and 5 to 9.

3. The learned counsel appearing for the respondents 1 and 5 to 9 would submit that they are not having any objections.

4. Considering the facts and circumstances and also taking note of the quantum of delay and the submission made by the learned counsel appearing for the respondents 1



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and 5 to 9 that they are not having any objections, this Court is inclined to condone the delay but on terms. Hence, this petition will be allowed on payment of cost of **Rs.1,000/- (Rupees One Thousand only)** by the petitioner to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIB000H040], on or before **02.02.2026**, failing which, this petition shall stand dismissed automatically.

5. Post the matter on 03.02.2026 'for reporting compliance'.

22-01-2026

CSM

To

1.The Officer Incharge,
Advocates Welfare Fund,
Madurai Bench of Madras High Court,
Madurai.