



CMP(MD)No.
in SA(MD)No.26 of 2019



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 10-02-2026

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

CMP(MD) No.979 of 2025
in CMP(MD)No.17298 of 2023
in SA(MD) No.26 of 2019

1.Vellaiammal
2.Piramuammal

**Petitioners/
Petitioners/
Appellants**

Vs

1.Chellammal (Died)
2.Pathirakalliammal

**Respondents/
Respondents/
Respondents**

3.Subbaiah Pillai
4.Chenthati
5.Pathirakalliammal
6.Petchiammal

**Proposed Respondent 3 to 6/
Legal heirs of first respondent**

This Civil Miscellaneous Petition filed under Section 5 of Limitation Act praying to condone the delay of 1032 days in filing the application to set aside the abetment caused due to the death of the first respondent Chellammal in C.M.P.(MD)No.17298 of 2023 in S.A.(MD)No.26 of 2019.



For Petitioners: Mr.S.Muthu Malai Raja, Advocate

For Respondents: Mr.G.Mohankumar, Advocate for R2

No appearance for R3 to R6

ORDER

The above petition has been filed seeking orders to condone the delay of 1032 days in filing a petition to set aside the abatement caused due to the death of the first respondent in C.M.P.(MD)No.17298 of 2023 in S.A.(MD)No.26 of 2019.

2. Despite receipt of notice, the respondents 3 to 6 have not turned up.

3. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the second respondent.

4. The learned counsel appearing for the second respondent would submit that they are leaving to the discretion of the Court.

5. Considering the facts and circumstances and also the reasons assigned, this Court is inclined to condone the delay but on terms. Hence, this petition will be allowed on payment of cost of **Rs.3,000/- (Rupees Three Thousand only)** by the petitioners 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 **19.02.2026**, failing which, this petition shall stand dismissed automatically.

6. Post the matter on 20.02.2026 'for reporting compliance'.

10-02-2026

CSM

To

1.The Secretary,
(Advocates Welfare Fund),
Bar Council of Tamil Nadu and Puducherry,
High Court Campus, Chennai 104.

2/2