

CMP(MD) No.16653
in SA(MD) No.455 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-01-2026

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

C.M.P(MD) No.16653 of 2025
in
S.A(MD) No.455 of 2021

1.Chinnaiah (died)

2.Muthaiah

3.Subramanian

: Petitioners

Vs

1.Sundaram Servai (died)

2.Lakshmanan

3.Subbulakshmi

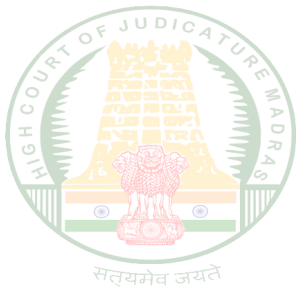
4.Indirani

: Respondents

For Petitioners : Mr.N.Balakrishnan,

For Respondents : Mr.G.Sridharan, for R2 to R4.

This Civil Miscellaneous Petition filed under Section 5 of Limitation Act, praying to condone the delay of 246 days in filing the petition to set aside the abatement caused due to the death of the sole respondent, namely Sundaram Servai in S.A(MD)No.455 of 2021.



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ORDER

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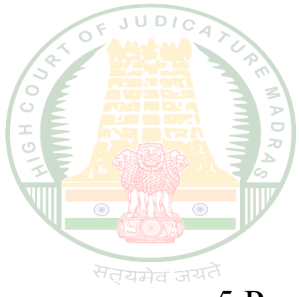
The above petition has been filed seeking orders to condone the delay of 246 days in filing the petition to set aside the abatement caused due to the death of the sole respondent, namely Sundaram Servai in S.A(MD)No.455 of 2021.

2. Heard the learned counsel for the petitioners and the learned counsel appearing for the respondents 2 to 4.

3. According to the learned counsel for the petitioners, the sole respondent died on 07.09.2024 and after coming to know about the death of the sole respondent the present application came to be filed.

4. The learned counsel appearing for the respondents would submit that they are having objections to condone the delay. But they have not specified any objections.

5. Considering the facts and circumstances and also the reasons assigned for the delay, this Court is inclined to condone the delay, but on terms. Hence, this petition will be allowed on payment of cost of Rs.750/- (Rupees Seven Hundred and Fifty 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 IDIBI000H040], on or before 19.01.2026, failing which, the petition shall stand dismissed automatically.



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5. Post the matter on 20.01.2026, ' for reporting compliance'.

02-01-2026

das

To

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