



CMP(MD)No.1
in SA(MD)No.248 of 2020



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.17575 of 2025

in

SA(MD) No.248 of 2020

1.P.Kandasamy
2.N.Semalai

**Petitioners/
Appellants**

Vs

1.N.Kandasamy (Died)
2.N.Thangavel @ Natchimuthu

**Respondents/
Respondents**

3.Palaniyammal
4.Sivakami
5.K.Sivarasu

**Respondents/
Proposed Respondents 3 to 5**

This Civil Miscellaneous Petition filed under Section 5 of Limitation Act praying to condone the delay of 971 days in setting aside the abatement caused by the death of the first respondent in S.A.(MD)No.248 of 2020.

For Petitioners: Mr.S.Sades Kumar, Advocate

For Respondents: Mr.Niranjan S.Kumar, Advocate for R2 to R5



WEB COPY

ORDER

The above petition has been filed seeking orders to condone the delay of 971 days in setting aside the abatement caused due to the death of the first respondent in the second appeal.

2. Despite posted as finally, counter of the respondents 2 to 5 not filed.

3. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents 2 to 5.

4. The reason canvassed in the delay condonation petition is that there was a communication gap, that bundle was misplaced in the advocate office and that therefore there occurred a delay for taking steps for the deceased first respondent.

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.2,000/- (Rupees Two 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