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CMP(MD) NO. 3444



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24-11-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

CMP(MD) NO. 3444 of 2023 AND

CMP(MD) NO. 3446 OF 2023, CMP(MD) NO. 3445 OF 2023, AS(MD) NO. 56 OF 2013

and CMP(MD) No.16818 of 2025

1. ZAIBUNNISA

W/o.Zabarulla Malik No.10

Sarangapani South Street Kumbakonam

Petitioner(s) in all applications

Vs

1. E.S.Pappathi@sirajunnisa Beevi (died) 2.E.S.M.P.Kaleel

S/o.E.S.Packir Mohamed

Mydeen Mahal

No.21 Pidarikulam Road

Kumbakonam Town and Munsif.

2. E.S.M.P.Kaleel

S/o.E.S.Packir Mohamed

Mydeen Mahal

No.21 Pidarikulam Road

Kumbakonam Town and Munsif.

3. Ummarunnisa

W/o.Abdul Hameed

II Cross Rainbow Nagar

Pondicherry Town and Munsifi.

4. Raziya Beevi

W/o.Abdul Hameed

II Cross Rainbow Nagar

Pondicherry Town and Munsifi.

5. Fathima Beevi

W/o.Dr.Halid

No.8 V.O.C.Nagar

Thanjavur Town and Munsifi.



6. Baby @ Jaina Beevi
W/o.Dr.Jainalavudeen
Azad Road
Gandhi Nagar
Madurai Town and Munsif.

7. Raziya Banu
W/o.Late.ES.M.PAckir Mohammed
Mydeen Hall
No.21 Pidarikulam Road
Kumbakonam Town and Munsifi.

8. Sabiya Banu
W/o.Mohammed Liyas
Mydeen Hall
No.21 Pidarikulam Road
Kumbakonam Town and Munsifi.

9. Wahida Banu
W/o.Sheik Dawood
Mydeen Hall
No.21 Pidarikulam Road
Kumbakonam Town and Munsifi.

10. Nazima Banu
W/o.Majibar Rahman
Mydeen Hall
No.21 Pidarikulam Road
Kumbakonam Town and Munsifi.

11. T.Mohamed Iqbal
S/o.M.Tajudeen
Taj Trading 116 Kamaraj Road
Kumbakonam.

12. K.Khaja Mydeen
(died)

13. M.Sahida
W/o.Mohamed Batcha
No.B-84 4th Main Road
Anna Nagar
Madras - 40.

14. T.M.Tajudeen
(died)



15. Fairoz Banu
W/o.Jawahar Kalifulla
Kellis
Chennai - 600 010.

16. T.Jabarullah
S/o.Tajudeen
53-A Kamakshi Josier Street
Kumbakonam - 612 001
Thanjavur District.

17. T.Haji Mohammed
(died)

18. Alaudeen
S/o.Rajmohamed
No.756 Krishthudhass Nagar
Kumbakonam.

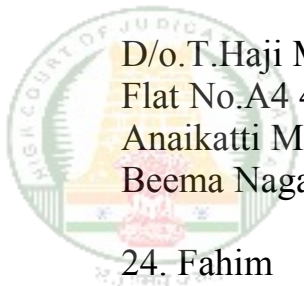
19. Zakira
W/o.T.Khaja Mydeen
No.71 Sarangapani Sannathi Street
Kumbakonam
Thanjavur District.

20. Sheefa
D/o.T.Khaja Mydeen
No.71 Sarangapani Sannathi Street
Kumbakonam
Thanjavur District.

21. Azkar
W/o.T.Haji Mohammed
Flat No.A4 4th Floor
Anaikatti Maidhanam
Beema Nagar
Trichy.

22. Shreem
D/o.T.Haji Mohammed
Flat No.A4 4th Floor
Anaikatti Maidhanam Beema Nagar
Trichy.

23. Shahina



D/o.T.Haji Mohammed
Flat No.A4 4th Floor
Anaikatti Maidhanam
Beema Nagar Trichy.

24. Fahim
S/o.T.Haji Mohammed
Flat No.A4 4th Floor
Anaikatti Maidhanam
Beema Nagar Trichy.



CMP(MD) NO. 3446 of 2023

Respondent(s)

ZAIBUNNISA
W/o.Zabarulla Malik
No.10,Sarangapani South Street
Kumbakonam

Appellant(s)

Vs

E.S.Pappathi@sirajunnisa Beevi (died) 2.E.S.M.P.Kaleel
W/o.Zabarulla Malik No.10
Sarangapani South Street Kumbakonam and another

Respondent(s)

CMP(MD) NO. 3445 of 2023

ZAIBUNNISA
W/o.Zabarulla Malik
No.10,Sarangapani South Street
Kumbakonam

Appellant(s)

Vs

E.S.Pappathi@sirajunnisa Beevi (died) 2.E.S.M.P.Kaleel
W/o.Zabarulla Malik No.10
Sarangapani South Street Kumbakonam and another

Respondent(s)

For Petitioner(s): M/s. MRS.Prabhu

Prayer: To condone the delay of 570 days in set aside the abatement caused due to the death of 17th respondent in the above appeal.



COMMON ORDER



(Order of the Court was made by C.V.Karthikeyan J.)

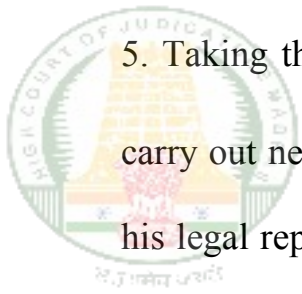
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These three applications had been filed to condone the delay of 570 days in filing the application to set aside the abatement caused due to the death of the 17th respondent, to set aside the abatement and to bring on record his legal representatives as respondents 21 to 24.

2. Notice had been directed to the respondents. It then transpired that notice could not be effected on R23. Therefore, CMP(MD) No.16818/2025 had been filed to effect substituted service on R23 by order dated 16.10.2025. We had directed paper publication to be effected in Malaimalar having circulation in Trichy for R23. Proof has now been filed today, but, however, effecting service in Dinamalar having circulation in Trichy for the hearing date today/24.11.2025. The name of R23 is printed in the cause list.

3. Service had been completed on all the respondents. There has been no appearance on behalf of the respondents.

4. In the affidavit filed in support of these petitions, it had been contended that R17 had died on 01.06.2019. Thereafter, it had been contended that steps had not been taken, since the petitioner had undergone abdominal surgery, suffered from diabetes, knee pain in both legs and other old age related complaints.



5. Taking these factors into consideration, these three applications are allowed to carry out necessary amendment, record the death of the 17th respondent and bring on record his legal representatives as R21 to R24. Consequently, CMP(MD) No.16818/2025 is closed, since paper publication had been effected.

(C.V.KARTHIKEYAN J.) (R.VIJAYAKUMAR J.)
24-11-2025

RR