



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Third day of April Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE
CMP(MD) No.2426 to 2428 of 2017

IN

SA(MD) No.781 of 2016

WEB COPY

1 VARISAI MOHAMED
2 SAIDA BEEVI (DIED) ... PETITIONER/ APPELLANT IN ALL CASES

Vs

1 V. MOHAMED ALI
2 M.KHAJA MOIDEEN ... RESPONDENTS 1 & 2/ RESPONDENTS 1 & 2 IN
ALL CASES
3 AAMEENA BEEVI
4 MOHAMMED RAFFIQ
5 MOHAMED IFRAMSA
6 A.V.RAJATHI ... RESPONDENTS 3 TO 6/PROPOSED
RESPONDENTS 3 TO 6 IN ALL CASES

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 1415 days in filing the petition to set-aside the abatement caused due to the death of 2nd Appellant in the above SA(MD) 781/2016.

Prayer in CMP(MD). 2427/ 2017 :

To set aside the abatement caused by death of 2nd appellant in the above SA(MD) 781/2016.

Prayer in CMP(MD). 2428/ 2017 :

To bring on record the respondents 3 to 6/Proposed respondents 3 to 6 as legal heirs of the deceased 2nd appellant and rank them as respondents 3 to 6 in the above SA(MD) 781/2016.

Prayer in SA(MD). 781/ 2016 :

To set aside the judgment and the decree in A.S.No.13 of 2005 on the file Sub Court, Pudukkottai dated 31.07.2006 reversing the judgment and decree passed in O.S.No.221 of 1999 on the file of the Additional District Munsif, Pudukkottai dated 22.01.2003 and decree the same as prayed for in the plaint by allowing this appeal.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.BAALASUNDHARAM, Advocate for the petitioner and of MR.N.BALAKRISHNAN Advocate on behalf of the Respondents the court made the following order:-

These Miscellaneous Petitions have been filed to condone the delay of 1415 days in filing this Petition to set aside the abatement caused due to the death of the deceased second appellant; to set aside the abatement caused due to the death of the deceased



second appellant and to bring on record the LR's of the deceased sole appellant as appellants in the main appeal.

2. Heard the learned counsels appearing on either side.

3. Considering the facts and circumstances of the case, the Petitions are allowed on payment of cost Rs.1,500/- (Rupees One Thousand and Five Hundred Only) in total, to be deposited in the Indian Bank, Madurai Bench of Madras High Court, Madurai, under SB Account No.6514082295, operated by the Registrar (Administration) for Removal of Karuvelam Trees, within a period of two weeks from the date of receipt of a copy of this order, failing which the CMPS are dismissed automatically without any further reference to this Court.

sd/-
03/04/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SUBORDINATE JUDGE, PUDUKKOTTAI
- 2 THE ADDITIONAL DISTRICT MUNSIF, PUDUKKOTTAI
- 3 THE REGISTRAR (ADMINISTRATION)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE BANK MANAGER,
INDIAN BANK,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CMP (MD) No.2426 to 2428 of 2017
IN
SA (MD) No.781 of 2016
Date : 03/04/2017

AAM-KKR/SAR 2/06.04.2017 2P 5c