



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

Monday, the Eighteenth day of June Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.RAVICHANDRABAABU
and
The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMP(MD) No.10644 of 2017
IN

AS(MD) No.SR32381 of 2017

MAKMUTHA BEEVI

... PETITIONER / APPELLANT

Vs

MOHAMED MEERAN (DIED)

... 1st PLAINTIFF

1. ISMAIL MEERAN

KHADER MOHAIDEEN (DIED)

... 3rd PLAINTIFF

2 MASOODU AVULIYA

MOHAMED ISMAIL (DIED)

... 5th PLAINTIFF

3 KANI

4 RAHAMATHULLA

5 SAHUL HAMEED

S/O MOHAMED MEERAN ROWTHER

6 MAJEETHA BEGAM

7 AYISHA BANU

8 SAIYADU MAJEETHA

9 MAKMUTHAL BEEVI

ABDUL RAHIM (DIED)

... 4th DEFENDANT

10 KHADER MYDEEN

11 MOHAMED SYED MASOOD

12 LIYAGATH ALI

13 MUMTAJ BEGAM,

14 A.FATHIMA

15 MASOOD BEEVI

16 A.RUKKAIA BEEVI

17 S.JAMEELA BEGAM

18 MARIYAM KHADER

19 M.SAHUL HAMEED,

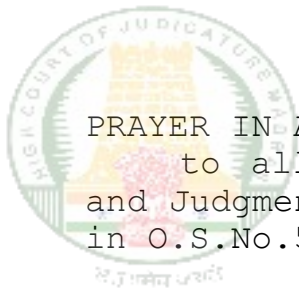
S/O.MOHAMED ISMAIL

20 MOHAMED HUSSAIN

21 AHAMED MAIDEEN

... RESPONDENTS / RESPONDENTS

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 137 days in filing the appeal.



PRAYER IN AS(MD) No.SR32381 of 2017:-

to allow this appeal by setting aside the Preliminary Decree and Judgment passed by the IV Additional District Court, Tirunelveli in O.S.No.54/2004, dated 29.09.2016

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR D.GANDHIRAJ, Advocate for the petitioner and of Mr.S.P.MAHARAJAN, Advocate for R2, R3 and R19 to R21, and Mr.M.P.SENTHIL, Advocate for R9, and Ms.A.HAFIZA, Advocate for R11, and Respondents 1,4,5 to 8 and 12 to 18 not appeared either in person or by an Advocate, the court made the following order:-

[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

This Miscellaneous Petition has been filed seeking to condone the delay of 137 days in filing the appeal.

2. Mr.S.P.Maharajan, learned counsel, takes notice on behalf of the respondent Nos.2, 3 and 19 to 21. Mr.M.P.Senthil, learned counsel, accepts notice for the respondent No.9. Ms.A.Hafiza, learned counsel, accepts notice for the respondent No.11.

3. Though notice was ordered and served on the respondent Nos.1, 4, 5 to 8, 10 and 12 to 18, they have not chosen to appear either in person or through counsel.

4. Considering the fact that the delay is only 137 days and taking note of the fact that the respondent Nos.2, 3, 9, 11 and 19 to 21 have no serious objection to condone the delay of 137 days, this Miscellaneous Petition is allowed and the delay of 137 days in filing the appeal is condoned.

sd/-

18/06/2018

/ TRUE COPY /

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

TO

THE IV ADDITIONAL DISTRICT JUDGE, TIRUNELVELI
NB
JAM/22/06/2018/ CM-VR /VK / 2p-2c

ORDER IN
CMP(MD) No.10644 of 2017
IN
AS(MD) No.SR32381 of 2017
Date :18/06/2018