



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Tuesday, the Twenty Third day of October Two Thousand Eighteen

PRESENT

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The Hon'ble Ms.Justice V.M.VELUMANI

CMA(MD) No.846 of 2018

- 1 SYED MOHAMED
S/O.KADAR MYDEEM,
N.N.PARK STREET, R.S.MANGALAM,
THIRUVADANAI TALUK,
RAMANATHAPURAM DISTRICT.
- 2 RUKMANUL HAKKIM
S/O.MIDHAR RATHER,
N.N.PARK STREET, R.S.MANGALAM,
THIRUVADANAI TALUK, RAMANATHAPURAM DISTRICT.
- 3 SYED AHAMED (DIED)
(APPELLANTS 4 TO 8 BROUGHT ON RECORD AS
THE LRS OF THE DECEASED APPELLANT IN
MP 2 TO 4/11 IN CMA(MD) SR.14491/11 VIDE
ORDER DT 30.04.13)
- 4 KATHIJA BEEVI
WO.LATE.SYED AHAMED,
N.N.PARK ST, R.S.MANGALAM,
THIRUVADANAI TALUK, RAMANATHAPURAM DISTRICT.
- 5 AMJATHKHAN
S/O.LATE.SYED AHAMED,
N.N.PARK ST, R.S.MANGALAM,
THIRUVADANAI TALUK, RAMANATHAPURAM DISTRICT.
- 6 SANTH BEEVI
D/O.SYED AHAMED, N.N.PARK STREET,
R.S.MANGALAM, THIRUVADANAI TALUK,
RAMANATHAPURAM DISTRICT.
- 7 AJTHIYA BANU
D/O.SYED AHAMED, N.N.PARK STREET,
R.S.MANGALAM, THIRUVADANAI TALUK,
RAMANATHAPURAM DISTRICT.
- 8 BARVEEN BANU
D/O.SYED AHAMED, N.N.PARK STREET,
R.S.MANGALAM, THIRUVADANAI TALUK,
RAMANATHAPURAM DISTRICT.



9 FARITHA
W/O.LATE.RUKMANUL HAKIM,
N.N.PARK ST, R.S.MANGALAM,
THIRUVADANAI TALUK,
RAMANATHAPURAM DISTRICT.

10 EHUSHAN
D/O.LATE RUKMANUL HAKIM,
N.N.PARK STREET, R.S.MANGALAM,
THIRUVADANAI TALUK, RAMANATHAPURAM DISTRICT.

11 MAHUSURIYA BANU
D/O.LATE.RUKMANUL HAKIM,
N.N.PARK ST, R.S.MANGALAM,
THIRUVADANAI TALUK, RAMANATHAPURAM DISTRICT.

12 SHAJAHAN
N.N.PARK STREET, R.S.MANGALAM,
THIRUVADANAI TALUK,
RAMANATHAPURAM DISTRICT.

(Appellants 9 to 12 brought on record as legal heirs of the deceased second appellant vide common order dated 30.04.2013 in M.P. (MD)Nos.2 to 4 of 2011 and 1 of 2013 in C.M.A.(MD)SR.No.14491 of 2011)

... Petitioner(s)

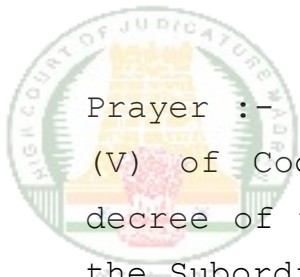
- Vs. -

1 JALEEL MOHAMED
S/O.PITCHAI MOHIDEEN,
N.N.PARK STREET, R.S.MANGALAM,
THIRUVADANAI TALUK,
RAMANATHAPURAM DISTRICT.

2 IBRAMSHA
S/O.PITCHAI MOHIDEEN,
N.N.PARK STREET, R.S.MANGALAM,
THIRUVADANAI TALUK,
RAMANATHAPURAM DISTRICT.

3 MISTER ALI
S/O.PITCHI MOHIDEEN, N.N.PARK STREET,
R.S.MANGALAM, THIRUVADANAI TALUK,
RAMANATHAPURAM DISTRICT.

4 BASHIRA BEEVI
D/O.PITCHI MOHIDEEN,
N.N.PARK STREET,
R.S.MANGALAM, THIRUVADANAI TALUK,
RAMANATHAPURAM DISTRICT.



Prayer :- Civil Miscellaneous Appeal filed under Order 43 Rule 1 (V) of Code of Civil Procedure, to set aside the judgment and decree of the dated 31.03.2010 in A.S.No.66 of 2008 on the file of the Subordinate Judge, Ramanathapuram.

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DECREE:- This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the order of the Lower Court and the material papers to the Appeal and upon hearing the arguments of MR.J.M.HASSANUAL BAZARI, Advocate for the Appellants and of MR.V.SITHARANJANDAS, Advocate for the respondents 1 to 3, this Court, doth in Dismissing the Appeal, order and decree as follows:-

(1) That the judgment and decree of the Subordinate Judge, Ramanathapuram dated 31.03.2010 made in A.S.No.66 of 2008 be and hereby the same is confirmed and the Suit is remained;

(2) That the District Munsif-cum-Judicial Magistrate, Thiruvadanai do restore the Suit in its original number and proceed to dispose of the Suit in accordance with law and in the light of the observations and directions contained in the judgment herein;

(3) That the District Munsif-cum-Judicial Magistrate, Thiruvadanai is directed to dispose of the suit as expeditiously as possible, in any event, not later than three months from the date of receipt of a copy of this Judgment;

(4) that there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

TO

1. THE SUB JUDGE,
RAMANATHAPURAM

2. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVADANAI



+1 CC to M/s.V.SITHARANJANDAS, Advocate
(SR-91183 dated 23/10/2018)

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ORDER DATED : 23/10/2018

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DECREE

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CMA (MD) . No.846 of 2018

Nature of Decree:- that the
award dated 31.03.2010 made in
A.S.No.66 of 2008 on the file
of Sub Judge, Ramanathapuram,
and as stated therein, etc.,

ES/04.03.2019/4P/4C