IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.520 of 2003

1.Jawahar Beevi

2.Samsuya ... Appellants/Petitioners

Vs

Amanullah ... Respondent/Respondents

Prayer: Civil Miscellaneous Appeal filed under Order 43 Rule 1 (na) of CPC, to set aside the fair and decretal order made in Pauper O.P.No.94 of 2001 dated 20.01.2003 on the file of the Court of Principal Subordinate Judge, Mayiladuthurai.

For Appellants : Mr.A.Muthukumar

For Respondent : No appearance

J U D G M E N T

The appellants are aggrieved by the order dated 20.01.2003 passed by the learned Principal Subordinate Judge, Mayiladuthurai in Pauper O.P.No.94 of 2001 filed by the appellants under Order 33 Rule 1 r/w Order 7 Rule 1 of CPC.

2.Though the appeal is of the year 2003 notice on the respondent remained unserved.

3.Be that as it may, it is noticed that the court has dismissed the application filed by the appellants herein on the ground that they have suppressed the fact that there are two properties owned by 1st appellant. Though, it was stated that the respondent had obtained signatures by threatening the 1st appellant, there are no documents to substantiate that the properties have changed hands.

4.Therefore, I do not find any infirmity in the impugned order passed by the lower court. There is no merit in the present Civil Miscellaneous Petition. However, in case the appellants are able to produce a copy of the document establishing subsequent transfer of the properties by the respondent/defendant as was claimed, liberty is given to the appellants to file fresh application for the same relief.

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5.The order passed by the lower court is upheld. Accordingly, the appeal is dismissed with the above observation. No cost.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Subordinate Judge,
Mayiladuthurai.

2.The Section Officer,
V.R. Section, High Court,
Madras.

C.M.A.No.520 of 2003

SJ(CO)
GN(13/02/2020)

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