



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
Friday, the Sixth day of September Two Thousand Nineteen
PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

**CMP(MD) No.6645 of 2018
IN
SA(MD) No.932 of 2011**

1 OJIGA AMMAL (DIED)

2.MOHAMMD MATHINA

3 KAMARUDEEN

4 JAFFER SADIK

5 HAJA ALAVUDEEN

6 TAJUDEEN

7 AJURNU ALIMA

8 JUVAIRIYA

9 SYED ALI FATHIMA

... PETITIONERS/APELLANTS

Vs

1 BAJIRA AMMAL

2 O.S.M.IBRAHIM

3 NIJAMUDEEN

4 JAMAL

5 MUTHU NACHIYA

6 MASTHAN GANI

7 MYMOON SHERIFA (DIED)

... RESPONDENTS /RESPONDENTS

8 SAMEERA

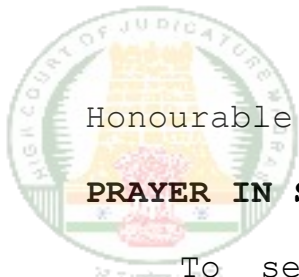
9 SAMEER

10 SALEEM

11 SABEER

... PROPOSED RESPONDENTS 8 TO 11/
LEGAL HEIRS OF 7TH RESPONDENT

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 467 days caused in representing the petition in C.M.P.S.R.No.12870/2017 the petition to bring the legal heirs of 7th Respondent in SA.No.932/2011 pending on the file of this



Honourable Court and thus render justice.

PRAYER IN SA(MD) No.932 of 2011:-

To set aside the judgment and decree dated 30.11.2010 in A.S.No.28 of 2010 passed by the learned Subordinate Judge, Pattukottai by confirming the judgment and decree of the learned District Munsif, Pattukottai passed in O.S.No.203/2008 dated 28.04.2010 in respect of "A"schedule suit property and thus render justice.

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.S.VIJAYASHANTHI, Advocate for the petitioner and of MR.P.SESUBALAN RAJA, Advocate for R1 to R6, the court made the following order:-

Heard.

This petition has been filed by the petitioners seeking to condone the delay of 467 days in representing the petition in C.M.P (MD)No.SR 12870 of 2017 seeking to bring on record the legal heirs of the 7th respondent in the above Second Appeal.

2.The learned counsel for the respondents 1 to 6 has no objection for allowing the petition.

3.Considering the reasons stated in the affidavit filed in support of the petition and also considering the length of delay, this Court is inclined to condone the delay subject to the payment of cost of Rs.1,000/- (Rupees one thousand only) to the Legal Services Committee, attached to this Bench, within a period of one week from the date of receipt of copy of this order, failing which this petition shall stand dismissed automatically without any further reference to this Court.

4.This petition is accordingly ordered.

5.In the event of payment of cost, the Registry is directed to number the petition to bring on record the legal heirs of the 7th respondent, if it is otherwise in order and list the same for hearing.

sd/-
06/09/2019

/ TRUE COPY /

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



TO

1.THE SUBORDINATE JUDGE,
PATTUKOTTAI.

2.THE DISTRICT MUNSIF,
PATTUKOTTAI.

COPY TO:

1.THE SUB ASSISTANT REGISTRAR,
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2.THE OFFICER INCHARGE,
LEGAL AID SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP (MD) No.6645 of 2018
IN
SA(MD) No.932 of 2011
Date :06/09/2019

smn

AE/SKN/SAR-I (16.09.2019) 3P 5C