



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

Wednesday, the Fifth day of February Two Thousand and Twenty
PRESENT

The Hon'ble Mr. Justice N.SATHISH KUMAR
CMP(MD).Nos.6348 to 6350 of 2017

in

SA(MD).No.19 of 2004

1. Syed Mohammed Kon (Died)
2. Shahul Hameed(Died)
3. Abdul Aziz (Died)
4. Mohamed
5. Pather

...Petitioners/Appellants

Vs

- 1 Rajayyan
- 2 Thangaraj
- 3 Packeer Mohammed
- 4 Jasha Beevi
- 5 Nazar
- 6 Nabishad

...Respondents 3 to 6/Proposed Respondents
3 to 6 in Second Appeal/Legal heirs of
deceased first appellant

- 7 Aashiq
- 8 Ashima
- 9 Meeran

...Respondents 7 to 9/Proposed Respondents
7 to 9 in Second Appeal/Legal heirs of
deceased third appellant

Prayer in CMP(MD).No.6348 of 2017 :-

Civil Miscellaneous Petition is filed under section 5 of Limitation Act, praying this Hon'ble Court to condone the delay of 1119 days in filing the petition to set aside the abatement caused due to the death of the deceased 1st Appellant.

Prayer in CMP(MD).No.6349 of 2017 :

Civil Miscellaneous Petition is filed under Order 22 Rule 9 of Civil Procedure Code, praying this Hon'ble Court to set aside the abatement caused due to the death of the deceased 1st Appellant.

Prayer in CMP(MD).No.6350 of 2017 :

Civil Miscellaneous Petition is filed under Order 22 Rule 4 of Civil Procedure Code, praying this Hon'ble Court to bring on record the petitioners 3 to 6 herein the legal heirs of the deceased 1st appellant as respondents 3 to 6 in the second Appeal.

Prayer in SA(MD).No.19 of 2004 :

Second Appeal is filed under section 100 of Civil Procedure Code against the Judgment and Decree dated 26/04/2004 made in
https://hccs.courts.gov.in/hccs/2000 on the file of the sub Court, Kuzhithurai



reversing the Judgment and Decree dated 16/12/1999 made in O.S.No.720 of 1998 on the file of the Ist Additional District Munsif, Kuzhithurai.

ORDER:- Civil Miscellaneous Petitions are coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.J.Anandhavalli, Advocate for the Petitioner and of Mr.K.N.Thambi, Advocate For the 1st Respondent and of Mr.B.Brijesh Kishore, Advocate For the Respondents No.3 to 9 (In SA), this Court made the following order:

It is the contention of the learned counsel appearing for the first respondent that the legal heirs of the appellants 1 to 3 have no interest in this matter and even the fourth appellant has also informed the respondents that he has no interest in the matter. Such being the matter, all the applications have been filed only at the instance of the third party / the real estate man to prolong the appeal.

2. Having regard to the nature of the relief sought in these applications, the legal heirs of the appellants 1 to 3 are sought to be impleaded as respondents. To find out the veracity of the submission of the learned counsel for the first respondent, the fourth appellant is directed to appear before this Court on 20.02.2020.

3. Post the matter on 20.02.2020.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

- 1 The subordinate Judge, Kuzhithurai
- 2 The Ist Additional District Munsif, Kuzhithurai

Copy to:

The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai
(To List the matter on 20.02.2020)

ORDER DATED : 05/02/2020

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ORDER

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in
SA(MD).No.19 of 2004