



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

Wednesday, the Fifteenth day of December Two Thousand and Twenty One

PRESENT

WEB COPY

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

C.M.P (MD) Nos.4062, 4065 & 4059 of 2021
in
S.A. (MD) No.493 of 2013

1. AMANULLAH (DIED)
2. BEEVI FATHIMA
3. MUBEEN
4. MOHAMED SAHADIK RAHMAN
5. AHAMED RASMI
6. AFSAL AHAMED

... PETITIONERS/PROPOSED APPELLANTS
(LEGAL HEIRS OF THE DECEASED APPELLANT)
in all the petitions
Vs

R.M.SUBRAMANIAN (DIED)

- 1.N.A.V.ALAGAPPAN
2. A.L.UMA
3. A.L.VALLIAMMAI
4. A.L.ALAGAMMAI
5. A.L.NACHALAKSHMI
6. M.MOHAMMED YUSUFF (DIED) .
7. HUSSIAN BANU, (DIED),
8. MUSTAFFA
9. ABDULLAH
10. PAVUSIA
11. ALIMA BEEVI
12. S.P.ALAGAMMAI
13. S.P.MEYYAPPAN
14. S.P.RAMANATHAN

(RESPONDENTS 12 TO 14 THROUGH POWER AGENT P.PARANJOTHI)

15. A.R.MEENACHI

(RESPONDENTS 12 TO 15 ARE THE LEGAL HEIRS OF R.M.SUBRAMANIAN
15th RESPONDENT THROUGH POWER AGENT 14th RESPONDENT RAMANATHAN)

... RESPONDENTS/ RESPONDENTS
in all the petitions

16. SALIAH BEEVI
17. ABBAS
18. MAHMOOTHA
19. RAJA MOHAMMED

<https://hcservices.mca.gov.in/hcservices/>



21. AMEENAMMAL
22. SAIRA BANU
23. RAHMATHULLA

... RESPONDENTS 16 TO 23/
LEGAL HEIRS OF 6th RESPONDENT
in all the petitions

24. S.ABDUL RAHEEM
25. MINOR.SHEIK ABDULLAH
26. MINOR.SYED ALI FATHIMA,
(RESPONDENTS 25 AND 26 BEING MINORS
REPRESENTED THROUGH THEIR FATHER AND
NATURAL GUARDIAN 24th RESPONDENT HEREIN)

27. SABEENA ... RESPONDENTS 24 TO 27/ LEGAL HEIRS OF 7th RESPONDENT
In all the petitions

Prayer in CMP(MD) . 4062/ 2021 :

To condone the delay 2150 of days in filing an application to set aside the abatement caused due to the death of the 7th respondent and render justice.

Prayer in CMP(MD) . 4065/ 2021 :

To set aside the abatement caused due to the death of the 7th respondent in S.A(MD).No.493 of 2013 and thus render justice.

Prayer in CMP(MD) . 4059/ 2021 :

To bring on record the proposal respondents as the legal heirs of the deceased 7th respondent and rank them as respondents 24 to 27 in the above Second Appeal in SA(MD).No.493 of 2013 and thus render justice.

Prayer in SA(MD) . 493/ 2013 :

To call for the records relating to the judgment and decree dated 02.01.2013 made in A.S.No.10 of 2007 on the file of the Subordinate Court, Devakottai confirming the judgment and decree dated 28.02.2007 made in O.S.No.118 of 2004 on the file of Principal District Munsif Court cum Judicial Magistrate, Karaikudi, set aside the same.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of M/S.G.PRABHU RAJADURAI, Advocate for the petitioners in all the petitions and of Mr.R.SUNDAR SRINIVASAN, Advocate for the Respondents 1 to 5 in all the petitions and Mr.S.YESUDHASON, Advocate for the 8th Respondent in all the petitions, the court made the following order:-

These applications in C.M.P(MD)Nos.4062, 4065 & 4059 of 2021 have been filed to condone the delay of 2150 days in filing the application to set aside the abatement caused due to the death of the seventh respondent; to set aside the abatement caused due to the death of the seventh respondent in the above Second Appeal and to



bring on record the proposed respondents 24 to 27 herein as the legal representatives of the deceased seventh respondent in the above Second Appeal and implead them as respondents 24 to 27.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The seventh respondent in the above Second Appeal is Hussain Banu and she is said to have died and consequently, these applications have been filed for the reliefs as stated above. The Second Appeal arises out of the suit, which has been filed, seeking for recovery of money, damages and for delivery of vacant possession. In order to give effective justice in the Second Appeal, it is just and necessary that her legal representatives should be brought on record in this Second Appeal. Consequently, these applications may be allowed on payment of costs.

4. In view of the above, these Petitions are allowed however on condition that the Petitioners pay a sum of Rs.500/- (Rupees Five Hundred only) to the Advocate Clerk's Welfare Association, Madurai Bench of Madras High Court, bearing Account No.496039124 in Indian Bank, High Court Branch, Madurai, towards costs, within a period of one week from the date of receipt of a copy of this order, failing which, these Petitions shall stand automatically dismissed, without further reference to this Court.

5. The office is directed to record the death of the seventh respondent Hussain Banu and to bring on record, his legal representatives, the proposed respondents 24 to 27.

sd/-
15/12/2021

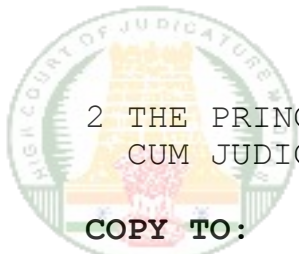
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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE SUBORDINATE JUDGE,
DEVAKOTTAI.



2 THE PRINCIPAL DISTRICT MUNSIF COURT
CUM JUDICIAL MAGISTRATE, KARAİKUDI.

COPY TO:

THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

C.M.P(MD)Nos.4062, 4065 & 4059 of 2021
in S.A.(MD)No.493 of 2013

Date :15/12/2021

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MS/JC/SAR-3/20.12.2021/4P.4C