



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

S.A. (MD)No.469 of 2014

and

M.P. (MD)No.1 of 2014

WEB COPY

1.Kasimjailani
2.Mubarak Begam

... Appellants/Appellants/Defendants

Vs.

Jageer Hussain

... Respondent/Respondent/Plaintiff

Prayer: Second Appeal filed under Section 100 of Civil Procedure Code, against the decree and judgment passed in A.S.No.29 of 2012 dated 29.11.2013, on the file of the Ist Additional District Judge, Madurai, confirming he decree and judgment passed in O.S.No.9 of 2006 dated 30.09.2011 on the file of the Principal Subordinate Judge, Madurai.

For Appellants : Mr.S.A.Ajmal Khan
For Respondent : Mr.T.R.Subramanian

JUDGEMENT

The defendants in O.S.No.9 of 2006 on the file of the Principal Sub Court, Madurai, are the appellants in this second appeal. It was a suit for partition. It was filed by one Zaheer Hussain, who is the respondent herein. Preliminary decree was granted as prayed for.

2.When the matter was taken for final hearing, it was reported that the respondent/Jaheer Hussain is no more. The details regarding legal representatives will have to furnished to the learned counsel for the respondent. In spite of the best efforts taken by him, the legal representatives have not come forward and the counsel is unable to furnish the details to the learned counsel for the appellants. Only if such details are furnished, the appellants will be in a position to take steps. For want of details, the appellants are unable to take steps. Therefore, the second appeal is closed as abated against the respondent. But the appellants cannot be left without remedy. If on the strength of the impugned preliminary decree, the legal representatives of the deceased respondent take steps to file the final decree application, then the appellants herein will be apprised of the necessary details. Thereafter, it is open to the appellants herein to move this court for setting aside today's order closing the second appeal.



3.With this liberty to the appellants herein, this second appeal is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 1st Additional District Court,
Madurai.

2.The Principal Sub Court,
Madurai.

Copy to:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 CC to M/s.S.A.AJMAL KHAN, Advocate (SR-27325[F] dated 25/08/2021)

+1 CC to M/s.T.R.SUBRAMANIAN, Advocate (SR-27290[F] dated 25/08/2021)

S.A. (MD) No.469 of 2014
24.08.2021

RS (06.09.2021) 2P 7C