



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.M.A. (MD)No.1420 of 2008

and

M.P(MD)No.1 of 2008

1.Rasul Khan

2.N.Mohamed Ariff

... Appellants/Respondents 1&2/
Plaintiffs 1&3

Vs.

1.M.A.S.E.Khadar Basha

2.Syed Ismail

3.Rowther Nainar

4.Mohammed Ali

5.A.M.S.Abdul Razak

6.S.A.N.K.Umar

7.Sandi Jinnah

8.Mohammed Hussain

9.K.S.K.Mohammed Ali

10.S.M.K.Mohammed Ali Jinnah

11.M.E.S.Ammer Khan

12.Anwar Baig

13.K.O.M.K.Peroz Khan

14.The District Registrar,
Sivagangai District.

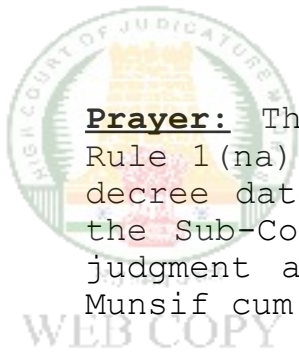
15.The Chief Educational Officer,
Collectorate Complex,
M.P.Nagar,
Sivagangai District.

16.The District Educational Officer,
Collectorate Complex,
M.P.Nagar,
Sivagangai District.

17.Jaffar

18.Jaluludeen

... Respondents 11 to 18/
Respondents 3 to 10/
Defendants 3,10,14 to 17, 20 & 21



Prayer: This Civil Miscellaneous Appeal is filed under Order 43 Rule 1(na) R/w Section 104 of C.P.C., to set aside the judgment and decree dated 30.06.2008 passed in A.S.No.71 of 2006 on the file of the Sub-Court, Sivagangai, remanding the suit in O.S.No.50 of 2000 judgment and decree dated 06.06.2006 on the file of the District Munsif cum Judicial Magistrate, Ilayangudi, for fresh trial.

For Appellants : Mr.Mohammed Ibrahim Saibu
for M/s.Ajmal Associates
For R1 : Mr.D.Senthil
For R14 to 16 : Mr.D.Gandhiraj
Special Government Pleader
For R2,R3,R4,
F6, R7, R17 &
R18 : No appearance
For R5, R8 to
R13 : Dismissed

JUDGMENT

Mr.D.Senthil, learned counsel appearing for the first respondent would submit that the first respondent and the first appellant are dead. This appeal has also been dismissed as against the respondents 5, 8 to 13, even as early as on 21.06.2017. The appeal being one against the order of remand it, cannot be prosecuted against the other respondents only. Hence, this appeal is dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Sub-Court,
Sivagangai.
- 2.The District Munsif cum Judicial Magistrate,
Ilayangudi
- 3.The District Registrar,
Sivagangai District.



4.The Chief Educational Officer,
Collectorate Complex,
M.P.Nagar, Sivagangai District.

5.The District Educational Officer,
Collectorate Complex,
M.P.Nagar,
Sivagangai District.

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The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
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+1. CC to M/S.D.SENTHIL Advocate SR.No.6649

C.M.A. (MD)No.1420 of 2008

16.02.2022

_RD(28.04.2022) 3P 9C