



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.04.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)Nos.1009 to 1012 of 2007

and

C.M.P(MD)Nos.4021 to 4023 of 2018

C.R.P(MD)No.1009 of 2007:

Sheik Moideen @ Ajji Saheb(Died)
formerly by Power Agent
S.Kadar Basha

1.Adaikkalamary @ Hussain Bibi
2.Kadar Baksha
3.Sherfudeen

... Petitioners/ Proposed
legal heirs of the deceased appellants

Vs.

1.Natarajan
2.Kadar Mohideen
3.Basha @ Kadhar Khan
4.Noorjahan
5.Kaleel Sahib @ Kalifullah
6.Thara Bi
7.Jaideeon Bi
8.Rajeswari
9.Selvam
10.Indira

... Respondents/Respondents
Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India as against the fair and decreetal order of the II Additional Subordinate Judge's Court, Trichy, dated, 22.06.2005 in S.R.No.1280, dated, 13.08.2004 in A.S.No.41 of 2002.

C.R.P(MD)No.1010 of 2007:

Sheik Moideen @ Ajji Saheb(Died)
formerly by Power Agent
S.Kadar Basha

1.Adaikkalamary @ Hussain Bibi
2.Kadar Baksha
3.Sherfudeen

... Petitioners/ Proposed
legal heirs of the deceased appellant



Vs.

- 1.Natarajan
- 2.Kadar Mohideen
- 3.Basha @ Kadhar Khan
- 4.Noorjahan
- 5.Kaleel Sahib @ Kalifullah
- 6.Thara Bi
- 7.Jaideeon Bi
- 8.Rajeswari
- 9.Selvam
- 10.Indira

... Respondents/Respondents
Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India as against the fair and decreetal order of the II Additional Subordinate Judge's Court, Trichy, dated, 22.06.2005 in S.R.No.1279, dated, 13.08.2004 in A.S.No.41 of 2002.

C.R.P (MD)No.1011 of 2007:

Sheik Moideen @ Ajji Saheb(Died)
formerly by Power Agent
S.Kadar Basha

- 1.Adaikkalamary @ Hussain Bibi
- 2.Kadar Baksha
- 3.Sherfudeen

... Petitioners/ Proposed
legal heirs of the deceased appellant

Vs.

- 1.Natarajan
- 2.Kadar Mohideen
- 3.Basha @ Kadhar Khan
- 4.Noorjahan
- 5.Kaleel Sahib @ Kalifullah
- 6.Thara Bi
- 7.Jaideeon Bi
- 8.Rajeswari
- 9.Selvam
- 10.Indira

... Respondents/Respondents
Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India as against the fair and decreetal order of the II Additional Subordinate Judge's Court, Trichy, dated, 22.06.2005 in I.A.No.38 of 2005 in A.S.No.41 of 2002.

C.R.P (MD)No.1012 of 2007:

Sheik Moideen @ Ajji Saheb(Died)
formerly by Power Agent
S.Kadar Basha

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



1.Adaikkalamary @ Hussain Bibi
2.Kadar Baksha
3.Sherfudeen

... Petitioners/ Proposed
legal heirs of the deceased appellant

Vs.

1.Natarajan
2.Kadar Mohideen
3.Basha @ Kadhar Khan
4.Noorjahan
5.Kaleel Sahib @ Kalifullah
6.Thara Bi
7.Jaideeon Bi
8.Rajeswari
9.Selvam
10.Indira

... Respondents/Respondents
Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India as against the fair and decreetal order of the II Additional Subordinate Judge's Court, Trichy, dated, 22.06.2005 in S.R.No.1282, in A.S.No.41 of 2002.

For Petitioners : Mr.K.Govindarajan(In all cases)

For Respondents : Mr.I.Vadivelan
for R11,R12,R14(In all cases)
No appearance
for R5,R8,R9 and R13(In all cases)

ORDER

The present revision petitions have been filed challenging an order, refusing to condone the delay in setting aside the abatement caused by the death of the sole appellant, to set aside the abatement and to bring on record the legal heirs of the deceased sole appellant in the first appeal.

2. The petitioners have also filed an application seeking a consequential amendment of the cause title to implead the legal heirs of the sole appellant in the first appeal. The said applications have been dismissed by the trial Court. Challenging the same, the present revision petitions have been filed by the appellants in A.S.No.41 of 2002 on the file of the Sub-Court, Trichy. Pending revision, the petition against respondents 2 to 4,6,7 and 10 in the revisions have been dismissed for non payment of batta. The 13th respondent has also not been served. The respondents against whom, the revision has been dismissed are the respondents in the first appeal and the defendants in the suit, in whose favour, the decree has been passed. The unserved respondents are necessary



parties, steps have not been taken for the past ten years. Hence, nothing survives in these petitions. All these Civil Revision Petitions stand dismissed. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 II Additional Subordinate Judge's Court,
Trichy.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1 CC to M/s.SARVABHAUMAN ASSOCIATES, Advocate (SR-17313[F] dated
07/04/2022)

C.R.P (MD) Nos.1009 to 1012 of 2007
06.04.2022

RD(04.05.2022) 4P 5C