



S.A(MD).No.493 of 2013 & C.R.P(MD).No.1470 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2022

CORAM : JUSTICE N.SESHASAYEE

S.A(MD).No.493 of 2013 and
C.R.P(MD).No.1470 of 2013 and
M.P(MD).Nos.1 and 1 of 2013
C.M.P(MD).Nos.7083 to 7088 of 2022

S.A(MD).No.493 of 2013

Amanullah (Died)

...Appellant/Appellant/3rd Defendant

2.Beevi Fathima

3.Mubeen

4.Mohamed Sahadik Rahman

5.Ahamed Rasmi

6.Afsal Ahamed

....LR's of the deceased sole appellant

[Appellants 2 to 6 are brought on record as LR's of the deceased sole appellant vide order dated 15.12.2021 made in C.M.P(MD).Nos.4054 and 4058 of 2021 in S.A(MD).No.493 of 2013]

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.Mohamed Yusuff (Died)

7.Hussain Banu (Died)

8.Mustaffa

9.Abdullah



S.A(MD).No.493 of 2013 & C.R.P(MD).No.1470 of 2013

- 10.Pavusia
11.Alima Beevi
12.S.P.Alagammal
13.S.P.Meyyappan
14.S.P.Ramanathan
15.A.R.Meenachi

....Respondents 1 to 15/Respondents 1 to 15/
Plaintiffs, Defendants 1, 2 and 4 to 7 and
LR's of R.M.Subramanian

- 16.Saliah Beevi
17.Abbas
18.Mahmootha
19.Raja Mohammed
20.Mohammed Sulthan
21.Ameenammal
22. Saira Banu
23.Rahmathualla
24.S.Abdul Raheem
25.Minor Sheik Abdullah
26.Minor Syed Ali Fathima
(Respondents 25 and 26 being minors, are represented
through their father and natural guardian, the 24th respondent
herein)

...LR's of the deceased 6th respondent

- 27.Sabeena

.....LR's of the deceased 7th respondent

[Respondents 16 to 23 are brought on record as LR's of the deceased 6th respondent vide order dated 15.12.2021 made in C.M.P(MD).Nos.4032, 4034 and 4052 of 2021 in S.A(MD).No.493 of 2013]

[Respondents 24 to 27 are brought on record as LR's of the deceased 7th respondent vide order dated 15.12.2021 made in C.M.P(MD).Nos.4062, 4065 and 4059 of 2021 in S.A.(MD).No.493 of 2013]



S.A(MD).No.493 of 2013 & C.R.P(MD).No.1470 of 2013

Prayer:- Appeal filed under Section 100 of Civil Procedure Code to set aside 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 the Principal District Munsif Court cum Judicial Magistrate, Karaikudi.

For Appellants : Mr.G.Prabhu Rajadurai

For Respondents : Mr.R.Sundar Srinivasan
for R1 to R5
Mr.S.Yesudhasan for R8
R6 and R7-Died
No-appearance
for R9 to R11, R16, R23 to R27

C.R.P(MD).No.1470 of 2013

A.Amanullah (Died) ...Petitioner/Appellant/Appellant
2.Beevi Fathima
3.Mubeen
4.Mohamed Sahadik Rahman
5.Ahamed Rasmi
6.Afsal AhamedLR's of the deceased sole appellant

[Petitioners 2 to 6 are brought on record as LR's of the deceased sole petitioner vide order dated 11.08.2022 made in C.M.P(MD).Nos.7080 to 7082 of 2022 in C.R.P(MD).No.1470 of 2013]

Vs

1.R.M.Subramanian
2.N.A.V.Alagappan
3.A.L.Uma



S.A(MD).No.493 of 2013 & C.R.P(MD).No.1470 of 2013

- 4.A.L.Valliammai
- 5.A.L.Alagammai
- 6.A.L.Nachalakshmi
- 7.M.Mohamed Yusuff
- 8.Hussain Banu
- 9.A.Mustaffa
- 10.Abdul Beevi
- 11.Pavusia
- 12.Alima Beevi
- 13.S.P.Alagammai
- 14.S.P.Meyyappan
- 15.S.P.Ramanathan
- 16.A.R.Meenal

....Respondents/Respondents/Respondents

Prayer:- Civil Revision Petition filed under Section 115 of C.P.C against the order and decreetal order dated 21.12.2012 passed by the Subordinate Court, Devakottai, Sivagangai District in C.M.A.No.2 of 2007 confirming the order and decreetal order dated 28.02.2007 in C.T.O.P.No.1 of 2005 on the file of the Principal District cum Judicial Magistrate, Karaikudi, Sivagangai District.

For Petitioners : Mr.G.Prabhu Rajadurai

For Respondents : Mr.R.Sundar Srinivasan
for R2 to R6
R8 and R10-Ex-parte
R1, R7 and R12-Died
No appearance for R9 and R11



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J U D G M E N T

It is reported that the matter has been settled out of the Court and the possession has been handed over by the appellants/petitioners to the respondents. The learned counsel appearing for the respondents also concurs with the said statement.

2. In view of the same, the learned counsel for the appellants in S.A.(MD).No.493 of 2013 and also the petitioners in C.R.P(MD).No.1470 of 2013 not presses them and an endorsement to that effect has also been made. Accordingly, both the Second Appeal and the Civil Revision Petition are dismissed as not pressed. No costs. Consequently, connected miscellaneous petitions are closed.

05.12.2022

Internet: Yes
Index: Yes/No
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S.A(MD).No.493 of 2013 & C.R.P(MD).No.1470 of 2013

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To

1. The Subordinate Court, Devakottai
Sivagangai District
2. The Principal District cum Judicial Magistrate,
Karaikudi, Sivagangai District.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.A(MD).No.493 of 2013 & C.R.P(MD).No.1470 of 2013

N.SESHASAYEE, J.

ssb

S.A(MD).No.493 of 2013 and
C.R.P(MD).No.1470 of 2013

01.12.2022