



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Thirty First day of March Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

C.M.P.(MD)No.331 of 2022

in

S.A.No.1767 of 2002

AYESHATH JASEELA

... PETITIONER / APPELLANT

Vs

1 A.S.V.M.V.MOHAMMED MADHAR SAHIB (DIED),

2 JAQUBAR AYISHA

... RESPONDENTS / RESPONDENTS

3 BADURINNISHA BEEVI

4 YASAR ARAFATH

5 VAPPA SAHIB MARAIKAYAR

6 SYED ABDUL KADER

... RESPONDENTS 3 to 6 /

PROPOSED RESPONDENTS 3 TO 6

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 4058 days in filing the petition to set aside the abatement caused due to the death of the 1st respondent A.S.V.M.V. Mohammed Madhar Sahib in S.A. No. 1767 of 2002.

PRAYER IN S.A.No.1767 of 2002:

To prefer this memorandum second appeal against the judgment and decree in A.S.No.1 of 2000 on the file of the Additional District Sessions Cum Chief Judicial Magistrate, Ramanathapuram and dated 21.05.2002 in reversing the judgment and decree in O.S.33 of 1995 on the file of the Sub Judge, Ramanathapuram and dated 29.10.1999.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.RAMESH, Advocate for the petitioner, the court made the following order:-

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



On the side of the petitioner, it is stated that the petitioner is not aware of the death of the first respondent and there is a delay of 4058 days in taking steps for the deceased first respondent.

2.Originally the suit was filed for partition and there may not be a chance for the appellant to be unaware of the death of the first respondent. The reasons stated are not satisfactory. Since the case is a partition suit, to give an opportunity for the appellant to put forth his case, the presence of the legal representatives of the first respondent is necessary.

3.Hence, this petition is allowed on payment of cost of Rs.4,000/- (Rupees Four Thousand only) to the learned counsel for the second respondent on or before 11.04.2022.

4.Call on 18.04.2022.

sd/-
31/03/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE ADDITIONAL DISTRICT SESSIONS CUM
CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

2 THE SUBORDINATE JUDGE,
RAMANATHAPURAM.

ORDER
IN
C.M.P. (MD) No.331 of 2022
in
S.A.No.1767 of 2002
Date :31/03/2022

MK/PN/SAR.II/04.04.2022/2P/3C