



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Monday, the Eighth day of August Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

C.M.P.(MD).No.6537 of 2022

in

A.S.(MD).No.24 of 2015

1 FAZALUDEEN (DIED)

2 JUNAITHA BEGAM

3 SHAHNAWAZ

4 MOHAMED AJMAL

... PETITIONERS / PROPOSED APPELLANTS 2 TO 5

Vs

1 R.KAMALA

2 RAZIA BEGUM

3 SALMA BEEVI

4 S.ABDUL SUBAN

5 NOORJAHAN

6 MUMTAZ BEGUM

7 MALLIKA BEGUM

... RESPONDENTS / RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the abatement caused due to the death of sole appellant in A.S.No.24 of 2015 on such terms as it deems fit and proper.

PRAYER IN A.S.(MD).No.24 of 2015:

To pass a judgment and decree by reversing the judgment and decree of the 1st Additional District Court, Thanjavur passed in O.S.No.203 of 2004, with respect to declining the relief of partition sought for with respect to items 1, 3 and 4 of 'A' Schedule Properties and 'B' Schedule Properties, thereby decreeing the suit in entirety with costs.

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.ANAND CHANDRASEKAR, Advocate for M/S.SARAVABHAUMAN ASSOCIATES for the petitioner, the court made the following order:-

This petition is filed to set aside the abatement caused due to the death of the sole appellant in A.S.(MD).No.24 of 2015.

<https://www.courtindia.org/>



2. Though the learned counsel appearing for the respondents has no serious objection, the reasons stated in the accompanying affidavit filed in support of this petition are not satisfied. However, in order to give an opportunity to the parties, this petition is allowed on payment of cost of Rs.5,000/- (Rupees Five Thousand only) before the Registry to the credit of C.M.P.(MD). No.6537 of 2022 on or before 17.08.2022, failing which the petition shall stand dismissed automatically without further reference to this Court.

3. List the matter on **18.08.2022** for compliance.

sd/-

08/08/2022

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/08/2022

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

TO

THE JUDGE,
1st ADDITIONAL DISTRICT COURT,
THANJAVUR.

COPY TO:

1 THE SUB ASSISTANT REGISTRAR,
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

3 THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

C.M.P. (MD) .No.6537 of 2022
in

A.S. (MD) .No.24 of 2015

Date :08/08/2022

MK/JM/SAR.IV/10.08.2022/2P/5C