



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Fourteenth day of June Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.8261 and 8264 of 2018

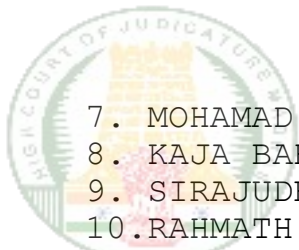
IN

AS(MD) No.24 of 2010

- | | |
|-----------------------------|--|
| 1. NOORJEHAN BEEVI | |
| 2. MEHABOOB BEEVI | ... 1&2 PETITIONERS/1&2 APPELLANTS |
| 3. IBRAHIM FATHIMA | ... DIED |
| 4. PATHAMUTHU BEEVI | ... 4 th PETITIONER/4 th APPELLANT |
| 5. ANNEIS FATIMA | ... DIED / 5 th APPELLANT |
| 6. SYED MEERA | ... 6 th PETITIONER/6 th APPELLANT |
| 7. M.ABDUL REHMAN | |
| 8. TAJ NISHA BEGUM | |
| 9. M.MANSOOR AHMED SAIT | |
| 10.AVVA BEEVI | |
| 11.SABURA BEEVI | |
| 12.SHAKKELA BANU | |
| 13.MOHAMMED SHEIK SIKKANDER | ... 7 to 13 PETITIONERS/PROPOSED LRS
OF 3 rd APPELLANT |
| 14.P.K.M.ABDUL RAZAK | |
| 15.SHAJAHAN | |
| 16.HABIB REHMAN | |
| 17.MOHAMED ITHREES | ... 14 to 17 PETITIONERS/PROPOSED
LRS OF 5 th APPELLANT
IN BOTH THE PETITIONS |

Vs

- | | |
|--------------------|---|
| 1. TAJUDEEN | ... DIED / 1 st RESPONDENT |
| 2. S.ABDUL HAMEED | ... 2 nd RESPONDENT/2 nd RESPONDENT |
| 3. H.SAMSUDEEN | ... DIED / 3 rd RESPONDENT |
| 4. ALIMA BEEVI | ... DIED / 4 th RESPONDENT |
| 5. S.KAJA MOHIDEEN | |
| 6. NAINA MOHAMAD | |



7. MOHAMAD HUSSAIN
8. KAJA BAHRUDEEN
9. SIRAJUDEEN
10. RAHMATH BEAGUM
11. SITHIKA BEAGUM
12. MEHRAJ BEAGUM
13. VASANTHA KUMARI BOSE
14. HAJI. A.E.S. RAJA HASPER ALI
15. MUBARAK

... 5 to 15 RESPONDENT/5 to 15
RESPONDENTS

16. T. AHAMED JALALUDEEN
17. T. KADAR HUSSAIN
18. SEYADU FATHIMA

... 16 to 18 RESPONDENTS/PROPOSED
LRS OF 1st RESPONDENT

19. HAMEEDA BEEVI
20. ZAINABU
21. HAJA NAZIMUDEEN
22. KAMELA BEGUM
23. AHMED KABBAR
24. JAFFAR ALI

... 19 to 24 RESPONDENTS/PROPOSED
3rd RESPONDENT
IN BOTH THE PETITIONS

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 2732 days that has occurred in seeking to set aside the Abatement of the appeal in respect of the deceased 1st respondent.

Prayer in CMP(MD) . 8264/2018 :

Pleased to condone the delay of 2276 days that has occurred in seeking to set aside the abatement of the appeal in respect of the deceased 3rd respondent.

Prayer in AS(MD) . 24/2010 :

Pleased to the memorandum of First Appeal against the Dismissal of their Suit in O.S.No.563 of 2004 by the Additional District Judge (Fast Track Court No.2) Madurai by its Decree and Judgment dated 21.04.2008.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.S.RAMESH @ RAMIAH, Advocate for the petitioner in both the petitions, the court made the following order:-

C.M.P(MD)No.8261 of 2018 is filed to condone the delay of 2732 days that has been occurred in setting aside the abatement of the appeal in respect of the deceased first respondent.



2.C.M.P(MD)No.8264 of 2018 is filed to condone the delay of 2276 days that has been occurred in setting aside the abatement of the appeal in respect of the deceased third respondent.

3.Heard the learned counsel for the Petitioners and perused the materials placed before this Court.

4.Though the reasons stated in the affidavits filed in support of these Petitions are not satisfied, however, in order to give an opportunity to the Petitioners, these Petitions are allowed on condition that the Petitioners pay a sum of Rs.5,000/-towards costs in each of the Petitions(totalling to Rs.10,000/-) before the Registry to the credit of the respective C.M.Ps' within a period of ten days from the date of receipt of a copy of this order and on deposit of the same, the applications shall stand allowed and failing which, these Petitions shall stand automatically dismissed without further reference to this Court.

5.List the matter on 27.06.2022, for further hearing

sd/-
14/06/2022

/ TRUE COPY /

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

TO
THE ADDITIONAL DISTRICT JUDGE,
(FAST TRACK COURT NO.2),
MADURAI.

COPY TO :

1. THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
2. THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CMP(MD) No.8261 and 8264
of 2018
IN
AS(MD) No.24 of 2010
Date :14/06/2022

vsn
USK/VR/SAR-I/16.06.2022/3P/4C

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