



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

Wednesday, the Twentieth day of July Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.6151 of 2022
IN
AS.No.1077 of 2003

1 FARITHA BEEVI (DECEASED) ... 1st RESPONDENT
2 MINOR.ASABATHUNISSA ... PETITIONER/4th RESPONDENT

Vs

1 FATHIMUTHU (DIED) ... 1st APPELLANT
2 FARITHA BEEVI
3 ISMAIL ... RESPONDENTS 2 & 3/APPELLANTS 2 & 3
4 SAHUL HAMEED
5 MINOR.THAVALATHUNNISSA
6 MOHAMMED BUEROJI
7 L.NIZAR AHMED
8 L.NIZAR BANU ... RESPONDENTS 4 TO 8/
3rd TO 7th RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to amend the petitioner name Arabathnisha instead of Asabathunissa in the First Appeal in A.S.No.1077 of 2003.

PRAYER IN AS.No.1077 of 2003:

To prefer this First Appeal, aggrieved by the Judgment and Decree dated 22.08.2003 made in O.S.No.180/1997 on the file of the Additional Subordinate Judge, Kumbakonam.

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 M/S.G. GOMATHI SANKAR, Advocate for the petitioner, the court made the following order:-



This petition is filed by the 2nd respondent in the appeal to amend her name as Arapathnisha.

2. According to the petitioner, her mother Faritha Beevi / 1st respondent in the appeal used to call the petitioner as Asabathunnissa. Therefore, she mentioned the petitioner's name as Asabathunnissa in the plaint in O.S.No.180 of 1997 on the file of the learned Additional Subordinate Judge, Kumbakonam, in which the petitioner was arrayed as 2nd plaintiff. Even in the decree and the appeal also, her name is wrongly mentioned. Therefore, her name is to be amended as Arapathnisha. In order to prove the same, the petitioner has filed a copy of her Birth Certificate, issued by the Commissioner, Kumbakonam Municipality, which shows the name of the petitioner as Arapathnisha.

3. Since the reasons stated in the accompanying affidavit are satisfied and the supportive document has also been annexed with the petition, this Civil Miscellaneous Petition is allowed.

4. The learned counsel for the appellants is directed to carry out the necessary amendment as per the order of this Court and file amended copy of the memorandum of grounds of appeal before this Court.

5. The Registry is directed to send original decree to the trial Court to amend the name of the petitioner in the plaint as well as the decree. The same shall be carried out in the Original Suit Register also.

sd/-

20/07/2022

/ TRUE COPY /

/07/2022

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

TO

THE ADDITIONAL SUBORDINATE JUDGE,
KUMBAKONAM.

COPY TO:

1 THE SUB ASSISTANT REGISTRAR
A.E. 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,
V.R.SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CMP (MD) No.6151 of 2022

IN

AS.No.1077 of 2003

Date :20/07/2022

SA/VR/SAR.1/25.07.2022/3P/5C