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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.9578 of 2016
IN
AS(MD) No.204 of 2008

1 AYUB ALI @ VAISOOL KARUNAI AYUB ALI

2 OHUDU (SINCE DECEASED) ...PETITIONERS 1&2/APPELLANTS 1&2

3 FARITHA

4 MUSTAFA

5 LUTHFIYA ... PETITIONERS 3 TO 5/
PROPOSED APPELLANTS 3 TO 5

Vs

1 J.ZAHABAR

(VALANTHARVARI THROUGH POWER OF
ATTORNEY AGENT A.KHAJA MOHIDEEN)

2 SEENI MOHIDEEN

3 MOHAMMED IBRAHIM

4 K.S.G.AMARAN

5 CHUNGA CHUM SHING ...RESPONDENTS 1 TO 5/RESPONDENTS 1 TO 5

(RESPONDENTS 2 TO 5 REMAINED EXPARTE IN THE TRIAL COURT. HENCE, THE NOTICE TO RESPONDENTS 2 TO 5 ARE NOT NECESSARY)

6 JAMEES KHAN ...6TH RESPONDENT/
PROPOSED 6TH RESPONDENT

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 261 days in filing the set aside the abatement and bring on record the L.Rs of deceased 2nd Appellant in A.S.(MD).No.204/2008.

PRAYER IN AS(MD) No.204 of 2008:
To allow the appeal and set aside the judgment and decree made in O.S.No.22 of 2004 on the file of Additional District Judge (Fast Track Court) Ramanathapuram dated 28.01.2008.

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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.A.ARUMUGAM, Advocate for the petitioner, the court made the following order:-

This petition is filed to condone the delay of 261 days in filing the petition to set aside the abatement and bring on record the Legal representatives of the deceased 2nd appellant in A.S.(MD) No.204 of 2008.

2.Notice was served on the proposed 6th respondent and he entered appearance through the learned counsel. The respondents 2 to 5 already set *ex-parte*. Though Court notice served on the 1st respondent returned with an endorsement 'gone to Singapore', private notice was served, however, none appeared on behalf of him.

3.Though the reasons stated in the accompanying affidavit are not satisfied, in order to give an opportunity to the legal representatives of the deceased 2nd appellant, this Civil Miscellaneous Petition is allowed on condition that the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the credit of C.M.P.(MD)No.9578 of 2016 before the Registry, within a period of one week from today (20.07.2022), failing which this petition shall stand dismissed for default automatically without further reference to this Court.

4.Post the matter on ***29.07.2022*** for reporting compliance.

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 DISTRICT JUDGE(FAST TRACK COURT),
RAMANATHAPURAM.

COPY TO

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

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

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

ORDER
IN
CMP(MD) No.9578 of 2016
IN
AS(MD) No.204 of 2008
Date :20/07/2022

RK/JM/SAR-II/22.07.2022/3P/5C

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