



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

Friday, the Tenth day of June Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.HEMALATHA

CMP(MD) No.11534 & 11535 of 2017

IN

SA No.1231 of 2000

1 FATHIMA BEEVI (DIED)

2.NABEESA BEEVI (DIED) ,

...APPELLANTS 1 & 2

3.SULTHAN MOHIDEEN,

4. SAITHOON BEEVI,

... PETITIONER/PROPOSED 4th APPELLANT
(LEGAL HEIR OF DECEASED 1st APPELLANT)

Vs

1 MARIAM BEEVI,

2 DR.SHAHUL HAMEED (DIED)

3 PONNISHA BEEVI,

...RESPONDENTS/RESPONDENTS

4 SABIA BEEVI,

...4th RESPONDENT
/PROPOSED 4th RESPONDENT
(LEGAL HEIR OF DECEASED 1st APPELLANT)

5 REGINA BEGUM,

6 ABDUL KARIM,

7 THAVAKKAL BATCHA,

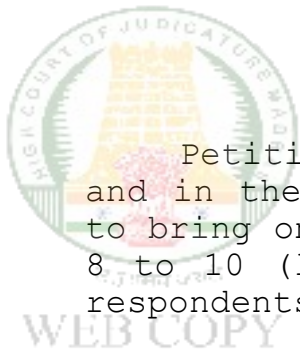
...RESPONDENTS 5 TO 7
/PROPOSED RESPONDENTS 5 TO 7
(LEGAL HEIRS OF DECEASED 2nd APPELLANT)

8 SULTHANIYA SHAHUL HAMEED,

9 SYED SHAKILA BABU,

10 MOHAMMED ASLAM,

... RESPONDENTS 8 TO 10
/PROPOSED RESPONDENTS 8 TO 10
(LEGAL HEIRS OF DECEASED 2nd RESPONDENT)



Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to bring on record the respondents 8 to 10/ the proposed respondents 8 to 10 (legal heirs of deceased 2nd respondent) and rank them as respondents 8 to 10 in the above appeal.

Prayer in CMP(MD). 11535/ 2017 :

To bring on record the respondents 5 to 7/the proposed respondents 5 to 7 as (the legal heirs of deceased 2nd appellant) and rank them as respondents 5 to 7 in the above appeal.

PRAYER IN SA No.1231 of 2000:

Pleased to prefer this Memorandum of Second Appeal to this Hon'ble Court against the Judgment and Decree of the Subordinate Judge's Court, Pattukottai in A.S.No.15 of 1999 dated 29.03.2000 reversing the judgment and decree of the District Munsif's Court, Pattukottai made in O.S.No.587 of 1991 dated 20.09.1999.

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 the petitioner/appellant not appearing either in person or by an advocate for the petitioner and of MR.P.THAGARAJAN, Advocate on behalf of the 1st Respondent, the court made the following order:-

On 23.02.2022, the following order has been passed by this Court:

"Pending the second appeal, the appellants 1 and 2 died. Therefore, C.M.P. (MD) Nos.11534 and 11535 of 2017 have been filed to bring on record the respective legal heirs of the deceased appellants 1 and 2. Though notice was ordered on 04.04.2018 and 18.02.2019, notice is yet to be served on the proposed parties. Therefore, fresh notice is ordered returnable by 16.03.2022. Private notice is also permitted.

It is reported that the second respondent died. A memo was also filed on 06.11.2017 to that effect. However, no steps were taken to bring on record the legal heirs of the deceased second respondent. For taking steps to bring on record the legal heirs of the deceased R2, post the matter on 16.03.2022."

2. When the matter is taken up for hearing today, there is no representation for the petitioners / appellants and till date, no steps have been taken to serve notice on the proposed respondents.



3. Hence, these petitions are dismissed as abated.

sd/-
10/06/2022

/ TRUE COPY /

WEB COPY

/ /2022

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

TO

1 THE DISTRICT MUNSIF,
PATTUKOTTAI.

2 THE SUBORDINATE JUDGE,
PATTUKOTTAI.

ORDER
IN
CMP (MD) No.11534 &
11535 of 2017

IN
SA No.1231 of 2000
Date :10/06/2022

vji
PKP/VR/SAR- /15.06.2022/3P/3C