



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

Wednesday, the Twenty First day of June Two Thousand and  
Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.7514 of 2019

IN

SA No.106 of 1999

1 MOHAMED SATHAK THAMBI (DIED)

2.HAMSHA BEEVI

3 MOHAMED SULTHAN

4 MOHAMED MEERA UMMAL

5 ABUL HASSAN

6 M.SYED NAZAR

7 MUMTAJ BEGAM

8 ASKAR ALI

9 AASIK

10 BAGRUTHEEN ALI HAMMED ... PETITIONERS/PROPOSED APPELLANTS 2-10  
Vs

1 MANSOOR  
REPTD. BY HIS POWER OF ATTORNEY AGENT  
VEERASENATHIPATHI ALIAS GURU

2 MOHAMMED SHERIFF

3 NOOR MOHAMED

4 MOHAMED IBRAHIM

5 HABEEB MOHAMED

6 SYED RAVIATHAMMAL

7 RAHUMATH UMMAL

<https://www.mcafee.com/judis>

8 NAJEEB  
9 FATHIMA



10 NAZIMUNNISA,

11 TAJ MOULANA,

...RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to for the reasons stated in the accompanying affidavit, it is prayed that this Honourable Court may be pleased to condone the delay of 4374 days in filing the petition to aside the abatement caused due to the death of the Sole appellant in S.A.(MD)No.106/1999 and pass suitable order and thereby render justice.

PRAYER IN SA No.106 of 1999:

To prefer this memorandum of Second Appeal under section 100 of C.P.C. Against the Judgment and Decree dated 22.09.1998 in A.S.No.71 of 1997 on the file of District Judge, Ramanathapuram, confirming the Judgment and Decree dated 10.01.1997 in O.S.No.111 of 1995 on the file of the Subordinate Judge, of Ramanathapuram and pray for setting aside the same.

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.H.LAKSHMI SHANKAR, Advocate for the petitioner, the court made the following order:-

This application is filed to condone the delay of 4374 days in filing application to set aside the abatement caused due to the death of the sole appellant in the second appeal.

2.Though the reasons stated in the accompanying affidavit filed in support of the Petition are not satisfied, however, in order to give an opportunity to the parties to prosecute the appeal, the delay of 4374 days is condoned on condition that the petitioner shall deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) towards costs before the Registry to the credit of C.M.P(MD)No.7514 of 2019, within one month, provided, on or before 24.07.2023 and on deposit of the same, the petition shall stand allowed, failing which, the Petition shall stand automatically dismissed without further reference to this Court.

3.List the matter on 25.07.2023 for filing compliance report.

sd/-

21/06/2023

/ TRUE COPY /

/06/2023

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



TO

1. THE DISTRICT JUDGE, RAMANATHAPURAM,
2. THE SUBORDINATE JUDGE, OF RAMANATHAPURAM

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COPY TO

1. THE REGISTRAR (JUDICIAL),  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE SUB ASSISTANT REGISTRAR,  
AE SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE SECTION OFFICER,  
ACCOUNTS SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SECTION OFFICER,  
JUDICIAL SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CMP (MD) No.7514 of 2019  
IN  
SA No.106 of 1999  
Date :21/06/2023

RK/BUC/SAR- (27/06/2023) 3P/7C