



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.7526 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(DIED)
- 3 NOOR MOHAMED (DIED)
- 4 MOHAMED IBRAHIM (DIED)
- 5 HABEEB MOHAMED (DIED)
- 6 SYED RAVIATHAMMAL
- 7 RAHUMATH UMMAL
- 8 NAFESA,



9 FATHIMA

10 NAZIMUNNISA,

11 TAJ MOULANA,

...RESPONDENTS/RESPONDENTS

12 SITHI HADIJA UMMAL

13 MOHAMED IQBAL,

14 JENNATHUL HUDAYA

15 MOHAMED SULTHAN UMMAL

16 AYSATH

17 RAHAMATHA AMINA UMMAL

18 MOHAMED ISMAIL,

19 NOORDEEN

20 JAINAMBU NISHA,

21 NOORUL IYNE

22 NOOR JAHAN

23 MUNAVAR SULTANA

24 MOHAMED RAFEEK,

25 SITHI FATHIMA,

26 MOHAMED THAHIRA BEEVI

27 MOHAMED HUSSAIN

28 MOHAMED SIRAJ

29 EASA MOHIDEEN

30 MOHAMED HASEEN

31 ARSATH MOHUSHINA

32 SITHI RAIHANA

...PROPOSED RESPONDENTS 26 TO 32
(LRS OF DECEASED 5TH RESPONDENT)

... RESPONDENTS 12 TO 32/
PROPOSED RESPONDENTS 12 TO 32



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 5123 days in filing the petition to aside the abatement caused due to the death of the 5th respondent Habeeb Mohamed 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 5123 days in filing application to set aside the abatement caused due to the death of the fifth respondent 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 5123 days is condoned on condition that the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) towards costs before the Registry to the credit of C.M.P(MD)No.7526 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.

AM



TO

1. THE DISTRICT JUDGE, RAMANATHAPURAM

2. THE SUBORDINATE JUDGE, OF RAMANATHAPURAM

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.7526 of 2019
IN
SA No.106 of 1999
Date :21/06/2023

RK/BUC/SAR- (27/06/2023) 4P/7C