



S.A(MD)No.19 of 2010

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the Twenty Fifth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD)Nos.9563 to 9565 of 2023

in

S.A(MD)No.19 of 2010

and

CMP(MD)Nos.9342, 9343 & 9345 of 2023

in

S.A(MD)No.168 of 2014

CMP(MD) No.9563 TO 9565 of 2023

1 M.SYED AMEENA BEEVI(DIED)

2.MOHAMED IDRIS KHAN,

3 MOHAMED ISMAIL KHAN,

4 MOHAMED IBRAHIM KHAN,

5 MOHAMED IQBAL KHAN,

6 MOHAMED IRSHAD KHAN (SINCE DCEASED),

7 MOHAMED AYESHA BANU,

8 MOHAMED BASHEER KHAN,

9 MOHAMED KAMEELA BANU

<https://www.hmc.tn.gov.in/judis>



S.A(MD)No.19 of 2010

10 MOHAMED SAMEEMA BANU,

11 MOHAMED BASHEERA,

12 LUKMAAN,

13 KURSHEED KADIR,

14 HALEETHAPETITIONERS 1 TO 14/ APPELLANTS

15 SITHI SABINA,

16 AMEENATHUPASMILA,

17 MINOR. AMEENATHU SIRUMIYA, ...PETITIONERS 15 TO 17
/ PROPOSED APPELLANTS 15 TO 17
(MINOR 17th PETITIONER REPRESENTED THROUGH
HER MOTHER 15th PETITIONER HEREIN)

Vs

1 L. AMIR RISMAN

2 D. SYED ABUTHAHIR, (SINCE DECEASED),

3 MUBHARAK BEGUM,

4 MINOR SYED RIFAN, ...RESPONDENTS/RESPONDENTS
(MINOR REP. BY HIS GUARDIAN MUBARAK BEGUM)

Prayer in CMP(MD). 9563/ 2023 :

To condone the delay of 1371 days in filing the application to set aside the abatement and bring on record the LRs of deceased 6th appellant in SA (MD) No.19 of 2010 and thus render justice.



S.A(MD)No.19 of 2010

Prayer in CMP(MD). 9564/ 2023 :

To set aside the abatement caused in respect of death of 6th appellant in SA (MD) No.19 of 2010 and thus render justice.

Prayer in CMP(MD). 9565/ 2023 :

To Bring on record the petitioners 15 to 17 as the legal heirs of the deceased 6th Appellant and implead them as Appellants 15 to 17 in SA (MD) No.19 of 2010 and thus render justice.

Prayer in SA(MD)No. 19 of 2010:

To allow this Second Appeal and set aside the judgment and decree dated 21.08.2009 made in A.S.No.7 of 2008 on the file of Sub-Court, Ramanathapuram in so far as it is against the appellant partly removing in judgment and decree dated 31.10.2007 made in O.S.No. 361 of 2004 on the file of District Munsif Court, Ramanathapuram.

CMP(MD)Nos.9342, 9343 & 9345 of 2023

1. L. AMEER RIZVAN,

... PETITIONER/ APPELLANT

- VS. -

1. M. SYED AMINA BEEVI (DIED)

2. MOBARAK BEGUM,

3. MINOR SYED RIBAN,

REP. BY NATURAL GUARDIAN MOTHER AND NEXT FRIEND

MOBARAK BEGUM,

...RESPONDENTS 1 TO 3/ RESPONDENTS

4. MOHAMED IDRIS KHAN,

5. MOHAMED ISMAIL KHAN,

6. MOHAMED IBRAHIM KHAN.

7. MOHAMED IQBAL KHAN,

8. MOHAMED IRSHAD KHAN (DIED)



S.A(MD)No.19 of 2010

9. MOHAMED AYESHA BANU,

10. MOHAMED BASHEER KHAN,

11. MOHAMED KAMEELA BANU,

12. MOHAMED SAMEEMA BANU,

13. MOHAMED BASHEERA,

14. LUKMAAN,

15. KURSHEED KADIR,

16. HALEETHA, ...RESPONDENTS 1 TO 16/RESPONDENTS

17. SITHI SABINA,

18. AMEENATHUPASMILA,

19. MINOR AMEENATHU SIRUMIYA,

(REP. BY HER MOTHER AND NATURAL
GUARDIAN SEVENTEENTH
RESPONDENT HEREIN)

...RESPONDENTS 17 TO 19
/PROPOSED PARTIES

Prayer in CMP(MD). 9342/ 2023 :

To pass an order condoning the delay of 1373 days in filing the application to set aside the abatement of the Second Appeal SA(MD). No.168 of 2014 caused due to the death of the eighth respondent, Mohamed Irshad Khan and thus render justice.

Prayer in CMP(MD). 9343/ 2023 :

To pass an order setting aside the abatement of the Second Appeal SA(MD). No.168 of 2014 caused due to the death of the eighth respondent, Mohamed Irshad Khan and thus render justice.

Prayer in CMP(MD). 9345/ 2023 :

To pass an order bringing on record the respondents 17 to 19/proposed parties as legal representatives of the deceased eighth respondent, Mohamed Irshad Khan and array them as respondents 17 to 19 in the second appeal in SA(MD). No.168 of 2014 and thus render justice.



S.A(MD)No.19 of 2010

PRAYER IN SA(MD)No. 168 OF 2014:

To prefer this Memorandum of Grounds of Second Appeal against the Judgment and Decree dated 21.08.2009 made in AS No. 7 of 2008 on the file of Sub Court, Ramanathapuram reversing in part of the Judgment and decree dated 30.10.2007 made in O.S.No. 361 of 2004 on the file of District Munsif Court, Ramanathapuram.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of MR.A.ARUMUGAM, Advocate for M/S. AJMAL ASSOCIATES for the petitioners IN SA(MD)No. 19 of 2010 and of MR.T.R.JEYAPALAM, Advocate for the Petitioner in SA(MD)No. 168 OF 2014, the court made the following order:-

Learned counsel appearing for the petitioners seeks permission of this Court to withdraw these petitions. He has also made an endorsement to that effect.

2. In view of the endorsement made by the learned counsel for the petitioners, these petitions are dismissed as withdrawn.

sd/-
25/08/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

skn

TO

1 THE SUBORDINATE JUDGE,
RAMANATHAPURAM



S.A(MD)No.19 of 2010

2 THE DISTRICT MUNSIF
RAMANATHAPURAM

ORDER
IN
CMP(MD)Nos.9563 to 9565 of 2023
in
S.A(MD)No.19 of 2010
and
CMP(MD)Nos.9342, 9343 & 9345 of 2023
in
S.A(MD)No.168 of 2014
Date :25/08/2023

PKP/DD/SAR- /04.09.2023/ 6P/3C

Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023