



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

Friday, the Seventh day of July Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP (MD) Nos.10479, 10480 & 10481 of 2021
IN
SA No.265 of 2004

in ALL THE PETITIONS:

- 1 SABURHAN BEEVI (DIED)
- 2 HAMEED (DIED)
- 3 INNISHA BANU (DIED)
- 4 SABOOR PATHU,
- 5 DHAKEERA,
- 6 BARTHANU,
- 7 SHABEEKA,
- 8 ABISHA,
- 9 MUTHU MOHAMMED,
- 10 MOHAMMED

... PETITIONERS 1 TO 10/APPELLANTS

- 11 SEIRAAN BEEVI,
- 12 HAMEETHA BEEVI,
- 13 NASEER,
- 14 RAHMATH BEEVI,
- 15 HAIRU NISHA

... PETITIONERS 11 TO 15
/LEGAL HEIRS OF DECEASED FIRST PETITIONER

- 16 AHAMED SEETHU

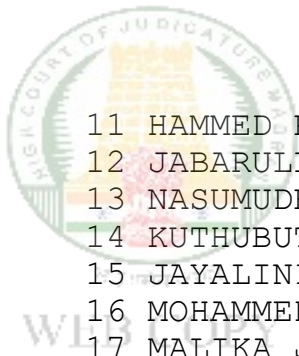
... SIXTEENTH PETITIONER
/LEGAL HEIRS OF DECEASED SECOND PETITIONER

- 17 RIYAZ KAHN,
- 18 RISWAN MOHAMMED,
- 19 RIBAITHA BANU,

... PETITIONERS 17 TO 19
/LEGAL HEIRS OF DECEASED THIRD PETITIONER

Vs

- 1 ABDUL RAHIM (DIED)
- 2 VAISOOL,
- 3 AMEER ALI,
- 4 SYED ALI PATHU (DIED)
- 5 HABBEEBA (DIED)
- 6 SULAIKA AMMAL (DIED)
- 7 SAHEED
- 8 JAYEENA BEEVI (DIED)
- 9 EHIRIS
- 10 AMEER JOHN



11 HAMMED KHAN,
12 JABARULLAH (DIED)
13 NASUMUDEEN,
14 KUTHUBUTHEEN (DIED)
15 JAYALINI BEEVI (DIED)
16 MOHAMMED YASIN (DIED)
17 MALIKA JARINA,
18 SEENI AMMAL,
19 DHILSATH BEGUM,
20 JALAL MEERAHAMAN (DIED)
21 HAMEETHA BEEVI,
22 SITHIMA,
23 JOHN NOORVANJOOR,
24 HAMEED VANJOOR,
25 SARASULAIGA UMMA

... RESPONDENTS 1 TO 25/RESPONDENTS 1 TO 25

26 SABIA BEEVI,
27 SAKUBAR,
28 NOORUL AMEEN,
29 SUBURAMA,
30 SAMARA,
31 SEEMAN
32 HAMEEDIA,
33 PARIKHAN

... RESPONDENTS 26 TO 33
/LEGAL HEIRS OF DECEASED FIRST RESPONDENT

34 SARIYATHU BEEVI,
35 HAIRUNNISHA,
36 LAILATHU PATHIRIYA,
37 RAIJU,

... RESPONDENTS 34 TO 37
/LEGAL HEIRS OF DECEASED FOURTH RESPONDENT

38 FATHIMA BEEVI,
39 SABEERA BANU
40 MOHAMED KAISAR,
41 RABIYUTHEEN

... RESPONDENTS 38 TO 41
/LEGAL HEIRS OF DECEASED TWENTIETH RESPONDENT

(THE RESPONDENTS 5 TO 16 AND
24/DEFENDANTS 4 TO 15 AND 24 ARE GIVEN
UP IN THE MAIN SECOND APPEAL AND THESE
APPLICATIONS, SINCE THEY HAD BEEN SET
EXPARTE BEFORE THE TRIAL COURT AND THEIR
PRESENCE IS DISPENSED WITH BY THE FIRST
APPELLATE COURT)

Prayer in CMP(MD). 10479/ 2021 :

Petition filed praying that in the circumstances stated therein
and in the affidavit filed therewith the High Court may be pleased
to pass an order condoning the delay of 128 days in filing the
application to set aside the abatement of the second appeal in SA
No. 265 of 2004 caused due to the death of the fourth respondent,
Syed Ali Pathu.

**Prayer in CMP(MD) . 10480/ 2021 :**

Pleaded to pass an order setting aside the abatement of the second appeal in SA No.265 of 2004 caused due to the death of the fourth respondent, Syed Ali Pathu.

Prayer in CMP(MD) . 10481/ 2021 :

Pleaded to pass an order bringing on record respondents 34 to 37/proposed parties as legal representatives of the deceased fourth respondent, Syed Ali pathu and array them as respondent 34 to 37 in the second appeal in SA No. 265 of 2004.

PRAYER IN S.A.265/2004 :

To prefer this Memorandum of Second Appeal against the Judgment and Decree dated 28.07.2003 made in A.S.No.65 of 2000 on the file of Additional District Fast Track Court, Ramanathapuram, reversing the Judgment and Decree dated 16.03.2000 made in O.S.No.90 of 1992 on the file of Additional District Munsif court, Ramanathapuram.

COMMON ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of M/S.J.BARATHAN, Advocate for the petitioners in all the cases, the Court made the following order:-

This Court by order dated 23.06.2023 has allowed the condone delay petition in C.M.P(MD)No.10479 of 2021 with a cost of Rs.1,000/-. Conditional order of this Court dated 23.06.2023 has not been complied with. Therefore, C.M.P(MD)No.10479 of 2021 is dismissed. Consequently, connected C.M.P(MD)Nos.10480 & 10481 of 2021 are also dismissed.

sd/-

07/07/2023

/ TRUE COPY /

/07/2023

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

AM

TO

1 THE ADDITIONAL DISTRICT JUDGE, FAST TRACK COURT, RAMANATHAPURAM.

2 THE ADDITIONAL DISTRICT MUNSIF, RAMANATHAPURAM.

ORDER

IN

CMP(MD) Nos.10479, 10480
& 10481 of 2021

IN

SA No.265 of 2004

Date :07/07/2023

(2/2)