



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

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP (MD) No.5214 of 2018
IN
SA (MD) No.173 of 2007

1 AYYUB RAHMATH BEEVI (DIED)
2 AHMED ABDUL KADAR,
3 HATHUN ZENETH BEEVI
4 ALTHA BEEVI ... PETITIONERS 1 TO 4/APPELLANTS 1 TO 4
5 LATHIF MARAICAR
6 AMEER RISWAN
7 RIYAZ AHMED
8 AMEER REHMAN ... PETITIONERS 5 TO 8/PROPOSED APPELLANTS 5 TO 8/
L.Rs OF THE DECEASED 1st APPELLANT

Vs

1 JAMILA BEEVI ... 1st RESPONDENT/1st RESPONDENT
2 HUSSAIN BEEVI (DIED) ... 2nd RESPONDENT
3 THAHA MARIAM
4 MEERA SAHIB
5 JAHUBAR NISA
6 MOHAMED IBRAHIM ... RESPONDENTS 3 TO 6/RESPONDENTS 3 TO 6
7 HATHTHAN
8 AALIYA
9 REIHANA
10 SULHANA ... RESPONDENTS 7 TO 10/PROPOSED RESPONDENTS 7 TO 10/
L.Rs OF THE DECEASED 2nd RESPONDENT



Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be Pleaded to condone the delay of 4657 days in filing the petition to set aside the abatement caused due to the death of the 2nd respondent in S.A.No.173 of 2007.

Prayer in SA(MD). 173/ 2007 :

To prefer this Memorandum of SA against the Judgment and Decree made in AS.117/1997 dated 28/07/2003 on the file of the Addl. District cum Fast Track Court, Ramanathapuram confirming the Judgment and Decree made in OS.312/1983 dated 18/10/1996 on the file of the Principal District Munsif Court, Ramanathapuram.

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.N.SYED ALI, Advocate for the petitioners, the Court made the following order:-

This application is filed to condone the delay of 4657 of in filing the petition to set aside the abatement caused due to the death of the 2nd respondent in the second appeal.

2. Though notice sent to the proposed respondents were served, their names were also printed in the cause list and none appeared for them.

3. Heard the learned counsel appearing for the petitioners.

4. Though the reasons stated in the accompanying affidavit filed in support of the Petition are not satisfied since the delay is huge, however, in order to give an opportunity to the appellants to prosecute the appeal as against the legal representatives of the deceased second respondent, the delay of 4657 days is condoned on condition that the petitioners shall deposit a sum of Rs.46,000/- (Rupees Fortysix Thousand only) towards costs before the Registry to the credit of C.M.P(MD)No.5214 of 2018, within a period of one month, provided, on or before **17.08.2023** 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.

5. List the matter on **18.08.2023** for filing compliance report.

sd/-

14/07/2023

/ TRUE COPY /

/07/2023

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



TO

1 THE ADDITIONAL DISTRICT CUM
FAST TRACK JUDGE, RAMANATHAPURAM.

2 THE PRINCIPAL DISTRICT MUNSIF,
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.5214 of 2018
IN
SA (MD) No.173 of 2007
Date :14/07/2023
(³/₄)

SS/MMS/18/07/2023/3P/7C