



CMP(MD) No.5061 of 2021

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

Thursday, the Third day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN
and
The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CMP(MD) Nos.5061, 5063 & 5064 of 2021
in
AS(MD) No.52 of 2017

1 AMEER BEGUM(DIED)	... 1 st PETITIONER/1 st APPELLANT
2 FATHIMA SAJINI	
3 THAGIRA BANU	
4 MEHATHAP BANU (DIED)	... 4 th PETITIONER/4 th APPELLANT
5 BIRTHOUS BANU	... 3 rd PETITIONER/5 th APPELLANT
6 DHADHA BASHA,	
7 PIYARI AFREEN,	
8 SHEEIN CHITHARA,	... PETITIONERS/PROPOSED APPELLANTS 6 TO 8 IN ALL CMP's

Vs

1 JEHRA BEEVI @ NIRMALA RANI

2 JAMILA BANU @ MALLIGA



CMP(MD) No.5061 of 2021

3 ANISH FATHIMA @ ANITHA BANU

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4 S.MUNAVERSHEEN @ BABU

... RESPONDENTS/RESPONDENTS
IN ALL CMP's

Prayer in CMP(MD).5061/2021 :

To condone the delay of 1281 days in filing legal heir application for the deceased 4th Appellant and thus render justice.

Prayer in CMP(MD). 5063/ 2021 :

To set aside the abatement of the deceased 4th Appellant.

Prayer in CMP(MD). 5064/ 2021 :

To record the Petitioners 6 to 8 herein as legal heirs of the 4th Appellant and implead them as Appellants 6 to 8 in the Appeal.

Prayer in AS(MD).52/2017:

Pleaded to set aside the Judgement and Decree dated 03.12.2015 in O.S.61 of 2010 on the file of VI Additional District Judge, Madurai and dismiss the suit with costs throughout and thus render justice.

ORDER : This Civil Miscellaneous 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.S.MANO HAR, Advocate for the petitioners in all CMP's and of Mr.J.PRABAKARAN, Advocate for the Respondents No.1 to 4 in all CMP's, the court made the following order:-

(Order of the Court was made by P.VELMURUGAN,J)

These petitions have been filed to condone the delay of 1281 days in filing the legal heir application for the deceased fourth appellant; to set aside the abatement of the deceased fourth appellant and to bring on record the petitioners 6 to 8 as legal heirs of the fourth appellant and implead them as appellants 6 to 8 in the appeal.

2. The learned counsel for the petitioners submitted that the order of this Court

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dated 11.09.2024, has been complied with.

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3. In view of the compliance of the order dated 11.09.2024, the delay is condoned and these petitions are ordered accordingly.

4. Registry is directed to carry out the necessary amendments in the appeal.

5. The learned counsel for the petitioners/appellants is directed to file the amended copy of the Memorandum of grounds of appeal within a period of 10 days from today.

6. List on 23.10.2024.

sd/-
03/10/2024

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/10/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE VI ADDITIONAL DISTRICT JUDGE,
MADURAI.

COPY TO

THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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CMP(MD) No.5061 of 2021

ORDER

IN

CMP(MD) Nos.5061, 5063 & 5064 of 2021

in

AS(MD) No.52 of 2017

Date :03/10/2024

RS/MMS/SAR-(08.10.2024) 4P 3C

Madurai Bench of Madras High Court is issuing
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