



SA(MD) No.476 of 2006

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

Friday, the Ninth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP(MD) Nos.2358 to 2360 of 2024

in

SA(MD) No.476 of 2006

**1 FATHIMA BEEVI
2 RAMJAN BARVEEN
3 RALIYABANU
4 A.SABUR NISHA**

... Petitioners 1 to 4 /

**Proposed Respondents 3 to 6
(Petitioners 1 to 4 are the Legal Heirs
of the deceased 1st Respondent)
in all petitions**

Vs

1 ABBAS (DIED)

... 1st Respondent in all petitions

2 ABDUL KADAR

**... 2nd Respondent / 2nd Respondent
in all petitions**

3 PARAMESWARI (DIED)

**4 A.LAKSHMANAN
5 P.VELSEVI
6 L.ANANDAN
7 L.AATHIYAPPAN
8 L.KANIRAJAN**



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9 L.THIRUPATHI

**... Respondents 3 to 9 / Appellants 1 to 7
in all petitions**

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Prayer in CMP(MD). 2358/ 2024 :

To Condone the delay of 119 days to set aside the abatement due to the death of the 1st Respondent, Abbas in SA(MD).No.476 of 2006 and thus render justice.

Prayer in CMP(MD). 2359/ 2024 :

To set aside the abatement due to the death of the 1st Respondent, Abbas in SA (MD).No.476 of 2006 and thus render justice.

Prayer in CMP(MD). 2360/ 2024 :

To Bring on record the proposed petitioners No.1 to 4 as legal representative of deceased 1st Respondent, Abbas and rank them as Respondents No.3 to 6 in the Second Appeal in SA(MD). No.476 of 2006 and thus render justice.

Prayer in SA(MD). 476/ 2006 :

To prefer this memorandum of grounds of second appeal against the judgment and decree dated 21.02.2005 and made in AS No.91 of 2004 on the file of Subordinate Court, Periyakulam, partly allowed the judgment and decree dated 22.10.2003 and made in O.S.No.55 of 1996 on the file of District Munsif Court, Periyakulam.

ORDER : These civil miscellaneous petitions 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.C.R.NIMAL, Advocate for the petitioners in all petitions and of Mr.M.Md.IBRAM SAIBU, Advocate on behalf of the Respondent No.2, the Court made the following order:-

These applications have been filed seeking to condone the delay of 119 days in filing the application to set aside the abatement caused due to the death of the first respondent in the second appeal, to set aside the abatement caused and to bring on record the petitioners 1 to 4 as legal heirs of the deceased first respondent



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and ranked them as respondents 3 to 6 in the Second Appeal.

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2. The learned counsel appearing for the respondents has no objection for allowing these petitions.

3. Considering the reasons assigned in the affidavit filed in support of these applications, these applications are allowed on condition that the petitioners pay a sum of Rs.1,000/- (Rupees Thousand only) to the Madurai Bench of Madras High Court Advocate Clerk's Welfare Association, Madurai - 625023 (Account No:- 496039124, IFSC Code:-IDIB000H040) and the delay of 119 is condoned, the abatement is set aside and the petitioners 1 to 4 are brought on record as respondents 3 to 6 in the Second Appeal.

4. The Registry is directed to carryout the necessary amendment in the second appeal and post the appeal after two weeks.

sd/-
09/08/2024

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/08/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AM



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To **மேலாட்சி**

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1.The Subordinate Judge,
Periyakulam.

2.The District Munsif,
Periyakulam.

Copy to:

1.The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.

2.The Officer Incharge,
Madurai Bench of Madras High Court Advocate Clerks Welfare Association,
Madurai - 625023

ORDER
IN
CMP(MD) Nos.2358 to 2360 of 2024
in
SA(MD) No.476 of 2006
Date :09/08/2024

ED/ GS /SAR- (14/08/2024) 4P / 5C

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