



CMP(MD) No.2361 of 2024

WEB COPY

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.2361 to 2363 of 2024

in

SA(MD) No.477 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



CMP(MD) No.2361 of 2024

9 L.THIRUPATHI

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

WEB COPY

Prayer in CMP(MD). 2361/ 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.477 of 2006 and thus render justice.

Prayer in CMP(MD). 2362/ 2024 :

To set aside the abatement due to the death of the 1st Respondent, Abbas in SA (MD).No.477 of 2006 and thus render justice.

Prayer in CMP(MD). 2363/ 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.477 of 2006 and thus render justice.

Prayer in SA(MD) No.477 of 2006:

To prefer this memorandum of grounds of second appeal against the judgment and decree dated 21.02.2005 and made in AS No.92 of 2004 on the file of Subordinate Court, Periyakulam, reversing the judgment and decree dated 22.10.2003 and made in OS No.194 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



CMP(MD) No.2361 of 2024

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

WEB COPY

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

/ TRUE COPY /

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

AM



CMP(MD) No.2361 of 2024

To **மேலாட்சி**

WEB COPY

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.2361 to 2363 of 2024

in

SA(MD) No.477 of 2006

Date :09/08/2024

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

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