

O.S.A.Nos.100, 101 & 105 of 2022 & 311 & 228 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 01.04.2025

CORAM :

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**OSA.Nos.100, 101 & 105 of 2022 and
CMP Nos.17932 & 9689 of 2021 and
OSA.Nos.311 & 228 of 2021 and
CMP.Nos.7417, 7129 & 7119 of 2022 and
CMP.Nos.6536 & 6534 of 2023**

O.S.A.Nos.100, 101 & 105 of 2022

- 1.P.S.M.T.Syed Abdul Rahman
- 2.P.K.M.S.Ameena Beevi
- 3.Jamila Beevi (Deceased)
- 4.Sheik Meera
- 5.Syed Ibrahim
- 6.Sharmila Banu
- 7.Mohamed Haja Rizwan
- 8.S.S.Umar Farook
- 9.U.Mohamed Harris Thamtasin
- 10.U.Hafreen Alima
- 11.Asra Alima

.. Appellants in OSA.
Nos.100, 101 & 105 of 2022

(P8 to P11 brought on record as LRs of the Deceased

3rd Appellant viz., (Jamila Beevi) made in CMP.6536, 5565
& 5555 of 2023 in OSA.100, 101 & 105 of 2022 by this Court)

VS

- 1.P.S.M.T.Hameed Nazrutheen
- 2.K.M.S.B.Fathima Gani
- 3.Narkish Banu



O.S.A.Nos.100, 101 & 105 of 2022 & 311 & 228 of 2021

4.Khaja Nizammudeen
5.Shakila Banu
6.Mohammed Niyas

.. Respondents in OSA.
Nos.100, 101 & 105 of 2022

Prayer in O.S.A.No. 100 of 2022: Appeal filed under Order XXXVI Rule 9 of O.S. Rule read with Clause 15 of Letters Patent to set aside the order and decreetal order made in A.No.2962 of 2020 in C.S.No.142 of 2019 dated 12.01.2022.

Prayer in O.S.A.No. 101 of 2022: Appeal filed under Order XXXVI Rule 9 of O.S. Rule read with Clause 15 of Letters Patent to set aside the order and decreetal order made in A.No.2962 of 2020 in C.S.No.142 of 2019 dated 03.12.2021.

Prayer in O.S.A.No. 105 of 2022: Appeal filed under Order XXXVI Rule 9 of O.S. Rule read with Clause 15 of Letters Patent to set aside the order and decreetal order made in O.A.Nos.312, 313, 165 and 167 of 2019 in C.S.No.142 of 2019 dated 13.10.2020.

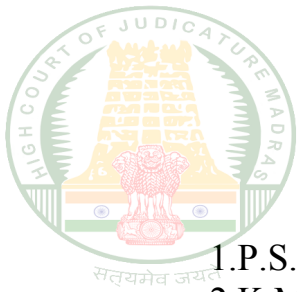
AND

O.S.A.Nos.311 & 228 of 2021

1.P.S.M.T.Syed Abdul Rahman
2.P.K.M.S.Ameena Beevi
3.Jamila Beevi
4.Sheik Meera
5.Syed Ibrahim
6.Sharmila Banu
7.Mohamed Haja Rizwan

.. Appellants in OSA.
Nos.311 & 228 of 2021

VS



O.S.A.Nos.100, 101 & 105 of 2022 & 311 & 228 of 2021

- 1.P.S.M.T.Hameed Nazrutheen
- 2.K.M.S.B.Fathima Gani
- 3.Narkish Banu
- 4.Khaja Nizammudeen
- 5.Shakila Banu
- 6.Mohammed Niyas

.. Respondents in OSA.
Nos.311 & 228 of 2021

Prayer in O.S.A.No.311 of 2021: Appeal filed under Order XXXVI Rule 1 of Original Side Rules read with Clause 15 of Letters Patent to set aside the order dated 24.09.2021 passed in A.No.901 of 2021 in C.S.No.142 of 2019 on the file of this Court.

Prayer in O.S.A.No.228 of 2021: Appeal filed under Order XXXVI Rule 1 of Original Side Rules read with Clause 15 of Letters Patent to set aside the order dated 14.12.2020 passed in C.S.No.142 of 2019 and A.No.2674 of 2020 on the file of this Court.

(In all OSAs)

For Appellants : Mr.M.Aravindan

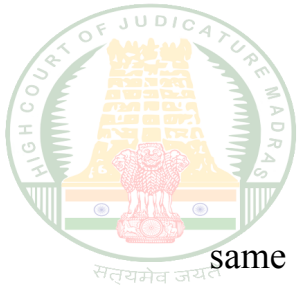
For Respondents : Mr.Avinash Wadhwani

(In all OSAs)

COMMON JUDGMENT

(Judgment of the Court was delivered by Dr.Anita Sumanth J.)

Learned counsel for the appellants would fairly submit that the trial in respect of the suit properties at Serial Nos.4, 6, 6A, 17 and 23 shall continue. In fact, the trial is stated to be scheduled tomorrow (i.e. 02.04.2025) and the parties shall co-operate in the same and have the



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same concluded at the earliest. As far as the preliminary decrees dated 14.12.2020 and 07.02.2025 are concerned, they relate to the remainder of the 23 properties that were suit properties in the suit.

2.Mr.M.Aravindan, learned counsel appearing for the appellants would fairly accede to the position that there is no necessity for the final decree proceedings to be held up in respect of the 18 properties, that are subject matter of preliminary decree dated 14.12.2020 and 07.02.2025 and the same may continue.

3.Recording this, these Original Side Appeals are dismissed. No costs. Connected miscellaneous petitions are closed.

4.Both learned counsel will also agree that the trial in respect of the aforesaid five (5) properties will be concluded within a period of four (4) months from date of uploading of this order in the official website of this Court.

**[A.S.M., J] [C.K., J]
01.04.2025**

Index: Yes/No
Speaking Order/Non-speaking order
Neutral Citation: Yes/No
vs

To



O.S.A.Nos.100, 101 & 105 of 2022 & 311 & 228 of 2021

The Sub Assistant Registrar,
Original Side,
High Court, Madras.



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O.S.A.Nos.100, 101 & 105 of 2022 & 311 & 228 of 2021

DR. ANITA SUMANTH.,J.
and
C.KUMARAPPAN.,J.

VS

OSA.Nos.100, 101 & 105 of 2022 and
OSA.Nos.311 & 228 of 2021

01.04.2025