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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
Civil Appellate Jurisdiction

Monday, the Seventh day of April Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR.JUSTICE G.R.SWAMINATHAN  
AND  
The HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CMP(MD).No.6419 of 2025  
in  
AS(MD).No.8 of 2012

1. S.N.M.NOOHU HAJI (DECEASED) ... Petitioner/1<sup>st</sup> Appellant
2. KABEER HAJI(DIED)
3. SYED AHAMED FATHIMA
4. NOORUL AYNE
5. MOHAMED ALI
6. S.M.K. SHEIK NOORDEEN
7. MUTHU FATHIMA
8. SYED AHAMED FATHIMA
9. HALIMA BEEVI ... Petitioners No.2 to 9/ Appellant 2 to 9
10. MUTHU AYSHA BEEVI(DIED) . Petitioner No.10/ Appellant No.10
11. S.A.H. RABIA
12. KATHJATHUL KUBRA



13. MULTHAZEEM

... Petitioner No.11 to 13/  
Appellant No.11 to 13

14. S.A.C. SHEIK NOORUDEEN(DIED) .. Petitione No.14/ Appellant No.14

15. ILLIYAS NOWFAR

16. M.A.C. MOHAMED ALI

17. M.A. MUKARAMMA

18. M.A. MUTHU MOHIDEEN FATHIMA

19. M.A. SYED ALI FATHIMA

...Petitioners No.15 to 19/  
Appellants No.15 to 19

20. B.S.OJEEHA BEEVI,

21. M.N.SYED AHAMED FATHIMA,

22. M.N.SHEIK NOORDIN,

23. M.N.AMMINATHIL SUHARIYA,

24. M.N.SOWDHA BEGUM,

(Petitioners 20 to 24/LRs of the deceased 1st Petitioner are Suo-Motu  
impleaded as per the order of this court dated 07.04.2025 made in CMP  
(MD) No. 6604 of 2023 in AS(MD) No. 8 of 2012 by GRSJ and MJRJ).

25. ABUBAKKAR,

26 SHEIK ABDUL CADER HAMTHOOM,

( Petitioners 25 and 26/LRs of the deceased 2nd Petitioner are Suo-  
Motu impleaded as per the order of this court dated 07.04.2025 made  
in CMP(MD) No. 6604 of 2023 in AS(MD) No. 8 of 2012 by GRSJ and  
MJRJ)

27. MOHAMMED ISMAIL BUHARI,



28. FATHIMA RAZEENA,

29. AHAMED FATHIMA,

( Petitioners 27 to 29/LRs of the deceased 10th Petitioner are Suo-Motu impleaded as per the order of this court dated 07.04.2025 made in CMP(MD) No. 6604 of 2023 in AS(MD) No. 8 of 2012 by GRSJ and MJRJ.)

30. SULTAN ABDUL KADER,

31. MUTHU AHAMED FATHIMA,

( Petitioners 30 and 31/LRs of the deceased 14th Petitioner are Suo-Motu impleaded as per the order of this court dated 07.04.2025 made in CMP (MD) No. 6604 of 2023 in AS(MD) No. 8 of 2012 by GRSJ and MJRJ.

...Petitioners No.20 to 31

..Vs..

1.MOHIDEEN BUHARI FATHIMA(DIED) ... Respondent No.1/Respondent No.1

2. SYED AHAMED

3. HUSSAIN NOORUDEEN

4. MOHAMED SARJOON

5. MUTHU AMINATH FATHIMA ... Respondents No. 2 to 5

(Respondents 2 to 5 are brought on record as LR's of the deceased Sole Respondent vide court order dated 07.04.2025 made in CMP (MD) Nos. 3331,3333 and 3336 of 2025 in AS(MD)No.8 of 2012 by GRSJ and MJRJ)



Prayer :-

Civil Miscellaneous Petition filed under Order 41 Rule 19 and Section 151 of CPC to set aside the order dated 11.03.2022 passed in AS(MD) No.8 of 2012 on the file of this Court and restore the above First Appeal.

Prayer in AS(MD).No.8 of 2012 :

Appeal Suit filed under Section 96 of the Code of Civil Procedure against the Judgment and Preliminary Decree of the Court of Additional District Judge/Fast Track Court II, Tuticorin in O.S.No.11/2006 dated 10.12.2010.

ORDER:- This Civil Miscellaneous Petition is coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.I.Abdul Basith, Advocate for the Petitioner, this Court made the following order:

“This Petition is allowed”

Sd/-

Assistant Registrar()

// True Copy //

/ /2025

Sub Assistant Registrar  
(CS- I/ II / III / IV)

TO

1.Additional District Judge/Fast Track Court II, Tuticorin.

Copy to:

The Section Officer,  
Judicial Section,  
Madurai Bench of Madras High Court, Madurai  
(To restore the AS(MD).8 of 2012 on file  
and list the appeal for final disposal on  
15.04.2025 as per order in CMP(MD).No.6604 of 2023  
in AS(MD).No.8 of 2012)



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ORDER DATED : 07/04/2025

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ORDER

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CMP(MD). No.6419 of 2025  
in  
AS(MD).No.8 of 2012  
Giving direction and etc.  
as stated within.

MGJ(21.04.2025) 5P 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from  
17.07.2023