



WEB COPY

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.5131 of 2022
in
AS(MD).No.1 of 2009

1. MOHAMED NOOHU HAJI(DIED)
2. SYED AHAMED FATHIMA
3. HALIMA BEEVI
4. MUTHU AYISHA BEEVI(DIED)
5. RAFIYA
6. KATHIJATHUL KUPRA
7. MULTHAJIM
8. SHEIK NOORDIN(DIED)
9. ILIYAS NOWPHER
10. KABIR HAJI(DIED)
11. SYED AHAMED FATHIMA
12. NOORUL IYEN
13. MOHAMED ALI



14. SHEIK NOORDIN
15. MUTHU FATHIMA

16. M.A.C.MOHAMED ALI

17. M.A.MOHARAMA

18. M.MUTHU MOHAIDEEN FATHIMA

19. M.A.SYED ALI FATHIMA ... Petitioners/ Appellants

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. 5131 of 2022 in AS(MD) No. 1 of 2009 by GRSJ and MJRJ).

25. MOHAMMED ISMAIL BHUARI

26. FATHIMA RAZEENA

27. AHAMED FATHIMA,
(Petitioners 25 to 27/LRs of the deceased 4th Petitioner are Suo-Motu impleaded as per the order of this court dated 07.04.2025 made in CMP(MD) No. 5131 of 2022 in AS(MD) No. 1 of 2009 by GRSJ and MJRJ)

28. SULTAN ABDUL KADER

29. MUTHU AHAMED FATHIMA,
(Petitioners 28 and 29/LRs of the deceased 8th Petitioner are Suo-Motu impleaded as per the order of this court dated 07.04.2025 made in CMP(MD) No. 5131 of 2022 in AS(MD) No. 1 of 2009 by GRSJ and MJRJ)



30. ABUBAKKAR

31. SHEIK ABDUL CADER HAMTHOOM



WEB COPY

(Petitioners 30 and 31/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. 5131 of 2022 in AS(MD) No. 1 of 2009 by GRSJ and MJRJ).

... Petitioners No.20 to 31

..vs..

1. MOHIDEEN BUHARI FATHIMAL(DIED) .. Respondent/Respondent

2 SYED AHAMED

3 HUSSAIN NOORUDEEN

4 MOHAMED SARJOON

5 MUTHU AMINATH FATHIMA

(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. 3339,3342 and 3343 of 2025 in AS(MD)No.1 of 2009 by GRSJ and MJRJ)

... Respondents No.2 to 5

Prayer :-

Civil Miscellaneous Petition filed Under order 41 Rule 19 and Section 151 of C.P.C to set aside order dated 11.03.2022 in A.S. No. 1 of 2009 against O.S. No. 89 of 2004 on the file of Additional District Judge / Fast Track Court I Tuticorin and restore the A.S.(MD)No. 1 of 2009 in the file of this Court.

Prayer in AS(MD).No.1 of 2009

Appeal Suit is filed under Section 96 of CPC against the Judgment and decree of the learned Additional District Judge/ Fast Track Court No.1, Tuticorin dated 22.04.2008 made in O.S.No.89 of 2004.



ORDER:- This Civil Miscellaneous Petition 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 Petitioners, this Court made the following order:

This petition is allowed and the Registry is directed to restore A.S.(MD)No.1 of 2009 on file and list the appeal for final disposal on 15.04.2025.

2.The first appellant / Mohamed Noohu Haji passed away on 30.07.2015. He left behind the following legal heirs:-

“1.B.S.Ojeeha Beevi, W/o.Mohamed Noohu Haji, No.208, Second Floor, Thambu Cheety Street, Chennai – 600 001.

2.M.N.Syed Ahamed Fathima, D/o.Mohamed Noohu Haji, No.208, Second Floor, Thambu Cheety Street, Chennai – 600 001.

3.M.N.Sheik Noordin, S/o.Mohamed Noohu Haji, No.208, Second Floor, Thambu Cheety Street, Chennai – 600 001.

4.M.N.Amminathil Suhariya, D/o.Mohamed Noohu Haji, No.208, Second Floor, Thambu Cheety Street, Chennai – 600 001.

5.M.N.Sowdha Begum, D/o.Mohamed Noohu Haji, No.208, Second Floor, Thambu Cheety Street, Chennai – 600 001.”

3.Mr.I.Abdul Basith, learned counsel has obtained vakalat from them. They are suo motu impleaded as appellants 20 to 24.

4.The fourth appellant / Muthu Ayisha Beevi passed away on 30.09.2019. She left behind the following legal heirs:-

“1.Mohammed Ismail Buhari, H/o.Muthu Ayisha Beevi, No.21/24M, Pandaga Salai Karanar Street, Kayalpattinam, Tiruchendur Taluk, Tuticorin District.



WEB COPY

2.Fathima Razeena, D/o.Muthu Ayisha Beevi, No.21/24M, Pandaga Salai Karanar Street, Kayalpattinam, Tiruchendur Taluk, Tuticorin District.

3.Ahamed Fathima, D/o.Muthu Ayisha Beevi, No.21/24M, Pandaga Salai Karanar Street, Kayalpattinam, Tiruchendur Taluk, Tuticorin District."

5.Mr.I.Abdul Basith, learned counsel has obtained vakalat from them. They are suo motu impleaded as appellants 25 to 27.

6.The eighth appellant / Sheik Noordin passed away on 18.04.2017. The following persons are suo motu impleaded as appellants 28 and 29, the legal heirs of the deceased eight appellant:-

"1.Sultan Abdul Kader, S/o.Sheik Noordin, No.9/27, Appa Palli Street, Kayalpattinam, Tiruchendur Taluk, Tuticorin District.

2.Muthu Ahamed Fathima, D/o.Sheik Noordin, No.9/27, Appa Palli Street, Kayalpattinam, Tiruchendur Taluk, Tuticorin District."

7.Mr.I.Abdul Basith, learned counsel has obtained vakalat from them.

8.Syed Ahamed Fathima, W/o.Sheik Noordin, No.9/27, Appa Palli Street, Kayalpattinam, Tiruchendur Taluk, Tuticorin District, the legal heir of the deceased eight appellant is already on record as the 11th appellant.

9.The tenth appellant / Kabir Haji passed away on 04.01.2023. The following persons are suo motu impleaded as appellants 30 and 31 as the legal heirs of the deceased tenth appellant:-

"1.Abubakkar, S/o.Kabir Haji, No.16/26, Pandagasalai Street, Kayalpattinam, Tuticorin District.

2.Sheik Abdul Cader Hamthoom,S/o.Kabir Haji, No.16/26, Pandagasalai Street, Kayalpattinam, Tuticorin District."

10.Mr.I.Abdul Basith, learned counsel has obtained vakalat from them. The other legal heirs of the deceased 10th appellant are already record as appellants 11 to 15.



11. The Registry is directed to carryout necessary amendments in the cause title.

WEB COPY

Sd/-

Assistant Registrar(CS I)

// True Copy //

/ /2025

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

TO

The Additional District Judge/ Fast Track Court No.1, Tuticorin

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai
(for posting the matter)

ORDER DATED : 07/04/2025

=====

ORDER

=====

CMP(MD). No.5131 of 2022

in

AS(MD).No.1 of 2009

Giving direction and etc.

as stated within.

MGJ(21.04.2025) 6P 3C

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