

CMP(MD)No.15055 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13-10-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

CMP(MD) NO. 15055 of 2025

in

CROS.OBJ(MD) SR NO. 10059 of 2018

Janaba K.Seema
W/o. Janab A.Kadher Mohideen, Door
No.C-89, 2nd Main Road, Maharaja Nagar,
Tirunelveli 11.

Petitioner(s)

Vs

Janaba S.A.Saharvan (Died)

1. M.A.Kadabi
2. M.A.Akram
- H.Begam Bara (Died)
3. M.S.Nazeer
4. H.Shabeer Mohamed Riyas Gani
5. M.Habeeb
6. Babu Siraj
7. Beema Mariyam Sagar
8. Anees Meeran Babu

Respondent(s)

For Petitioner(s):

M/S.Ajmal Associates
V. George Raja

For Respondent(s):

M/s. G. Prabhurajadurai

I. Robert Chandrakumar For R1 And R2 (appellant In
As)



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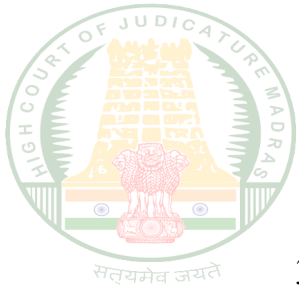
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Prayer: To Condone the delay of 413 days in filing the Cross Appeal SR No.10059 of 2018 in the above Appeal Suit and thus render justice.

ORDER

This petition has been filed to condone the delay of 413 days in filing the Cross Appeal SR.No.10059 of 2018 in the above Appeal Suit.

2. The first appeal filed in support of the petition it had been contended that the suit in O.S.No.35 of 2007 had been filed for partition and separate possession of the suit properties and for rendition of account in respect of 2nd schedule property. It had been further stated that the Trial Court had come further to a decision that the petitioner's herein are entitled to 1 ½ shares in the suit property. However, the trial Court has come to a further decision that the partition can be effected only after deducting a sum of Rs.1,00,00,000/- (Rupees One Crore Only). Questioning that particular aspect, the cross objection has been filed.



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3. Challenging the share allotted to the petitioner, appeal has been preferred and it is pending. Naturally the matter could be settled out of Court since both cases arises from the same judgment and decree. With respect to delay, it had been contended that there was a necessity to change counsel and there was a delay in giving instructions.

4. Considering the above, the delay stands condoned. Registry is directed to number Cross Appeal SR.No.10059 of 2018.

5. List this case along with appeal suit on 28.10.2025.

(C.V.K.J.) (R.V.J.)
13-10-2025

rgm

To

Janaba S.A.Saharvan (Died)

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