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CMP No. 4529 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CMP No. 4529 of 2024 in S.A.Sr.No.38142 of 2015

1. S.M.Zabaidha
2. Tamim Ansari

..Appellant(s)

Vs

1. M.H. Mohideen Fatima
2. S.M. Mohammed Sheriff
3. S.M. Nizamudeen
4. S.M. Nasar

..Respondent(s)

Prayer:- Civil Miscellaneous Petition is filed under Order 41 Rule 3 (A) of C.P.C., pleaded to condone the delay of 25 days in filing Second Appeal.

For Appellant(s): Mr.A.Ilayaperumal

ORDER

It is seen from the records the death of respondents 1, 2 and 4 were recorded by this Court on 08.07.2025. Further the petitioners / appellants were directed to take steps to bring on record the legal heirs of the deceased respondents 1, 2 and 4 on or before 18.07.2025. It is further ordered that failure to comply the direction, the second appeal shall stand automatically dismissed in respect of respondents 1, 2 and 4 without further reference to this Court. However, till date no steps have been taken to bring on record the legal representatives of deceased respondents. In view of the self contained order dated 08.07.2025, the Civil Miscellaneous petition as well as S.A.Sr.No.38142 of 2015 stand dismissed as against respondents 1, 2 and 4.

**S.SOUNTHAR, J.**

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2.It is seen from the typed set of papers, the Second Appeal is arising out of suit for partition. Since, the Second Appeal is dismissed as against respondents 1, 2 and 4, decree for partition passed by the first appellate Court stands confirmed in respect of respondents 1, 2 and 4. The decree passed by the first appellate Court is inseparable one. Therefore, the entire appeal stands abated. Recording the same, the Civil Miscellaneous Petition as well as the Second Appeal Sr.No.38142 of 2015 are dismissed as abated.

02-04-2026

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