



A.S.(MD)No.1 of 2009

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 09.04.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

A.S.(MD)No.1 of 2009

1.Mohamed Noohu Haji (died)

2.Syed Ahamed Fathima

3.Halima Beevi

4.Muthu Ayisha Beevi (died)

5.Rafiya

... Appellants / Defendants 1,
3-5, 7-21

6.Kathijathul Kupra

7.Multhajim

8.Sheik Noordin (died)

9.Iliyas Nowpher

10.Kabir Haji (died)

11.Syed Ahmaed Fathima

12.Noorul Iyen

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13.Mohamed Ali

... Appellants /
Defendants 1, 3-5, 7-21

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

... Appellants /
Defendants 1, 3-5, 7-21

20.B.S.Ojeedha Beevi

21.M.N.Syed Ahamed Fathima

22.M.N.Sheik Noordin

23.M.N.Amminathil Suhariya

24.M.N.Sowdha Begum

25.Mohammed Ismail Buhari

26.Fathima Razeena

27.Ahamed Fathima

28.Sultan Abdul Kader

29.Muthu Ahamed Fathima

30.Abubakkar



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31.Shek Abdul Cader Hamthoom

... Appellants

(Appellants 30 & 31 / LR's of the deceased 10th appellant
are suo motu impleaded as per order of this Court
dated 07.04.2025 made in C.M.P.(MD)No.5131 of 2022
in A.S.(MD)No.1 of 2009 by GRSJ & MJRJ)

Vs.

Mohideen Buhari Fathimal (died) ... Respondent / Plaintiff

2.Syed Ahamed

3.Hussain Noorudeen

4.Mohamed Sarjoon

5.Muthu Aminath Fathima

... Respondents

(Respondents 2 to 5 are brought on record
as LR's of the deceased sole respondent vide order
dated 07.04.2025 made in C.M.P.(MD)Nos.3339,
3342 & 3343 of 2025 in A.S.(MD)No.1 of 2009 by
GRSJ & MJRJ)

PRAYER: Appeal Suit filed under Section 96 of the Civil Procedure Code praying this Court to set aside 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 and allow this appeal.

For Appellants : Mr.I.Abdul Basith
& Mr.A.Sheik Nasurdeen



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For Respondents : Mr.M.Mohamed Ibram Saibu

JUDGMENT

(By G.R.SWAMINATHAN, J.)

The appellants herein challenged the preliminary decree dated 22.04.2008 made in O.S.No.89 of 2004 on the file of the Additional District Court, FTC No.1, Thoothukudi.

2. The parties are present before us. The parties have been individually identified by the following counsels:-

“Mr.M.Mohamed Ibram Saibu

Mr.I.Abdul Basith

Mr.A.Sheik Nasurdeen”

The parties clarified that they have amicably settled all their outstanding differences between them and that they have agreed to share the property in the terms as set out in the compromise memo dated 28.12.2025. The impugned Judgment is modified. It shall form part and parcel of the decree.



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3. The Appeal Suit is disposed of in terms of the compromise
memo.

(G.R.S., J.) (R.P., J.)
09.04.2026

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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To

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



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AND
R.POORNIMA, J.

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