



CMP(MD) NO. 1225



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03-02-2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.M.P(MD) Nos.12255 to 12257, 13135 to 13137 of 2025

in S.A(MD) Nos.454 and 503 of 2013

C.M.P(MD) Nos.12255 to 12257

1. Sahaya Santhi
2. NAICIAN
3. LAMBARD JACKSON
4. MONICA ROSE

Petitioner(s)

Vs

1. Fathima Beevi (Died)
- 2.S.Christiaan
3. Abdul Kader
4. Absal Khan
5. Nubesh Khan
6. Mohammed Shafi
7. Sharmila Beevi

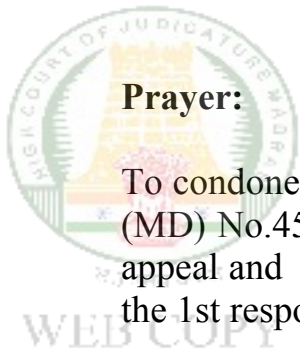
Respondent(s)

For Petitioner(s):

No representation

For Respondent(s):

Mr.F.X.Eugene for R2



Prayer:

To condone the delay of 3180 days in filing the petition to set aside the abatement in S.A. (MD) No.454 of 2013 caused by the death of the 1st respondent, Fathima Bheevi, in this appeal and to set aside the abatement in S.A.(MD) No.454 of 2013 caused by the death of the 1st respondent and to bring her legal heirs on record.

C.M.P(MD) Nos.13135 to 13137

S.Christiaan

Petitioner(s)

Vs

1. Fathima Beevi (Died)

1. Sahaya Santhi

2. NAICIAN

3. LAMBARD JACKSON

4. MONICA ROSE

3. Abdul Kader

4. Absal Khan

5. Nubesh Khan

6. Mohammed Shafi

7. Sharmila Beevi

Respondent(s)

For Petitioner(s):

Mr.F.X.Eugene

For Respondent(s):

No representation

Prayer:

To condone the delay of 3180 days in filing the petition to set aside the abatement in S.A. (MD) No.503 of 2013 caused by the death of the 1st respondent, Fathima Bheevi, in this appeal and to set aside the abatement in S.A.(MD) No.503 of 2013 caused by the death of the 1st respondent and to bring her legal heirs on record.



COMMON ORDER



These petitions have been filed to condone the delay of 3180 days in filing applications to set aside the abatement in S.A.(MD) Nos.454 and 503 of 2013, caused due to the death of the first respondent, Fathima Bheevi and to bring her legal heirs on record.

2. It is seen from the records that the Second Appeals were filed in the year 2013. However, no steps were taken by the appellants to file batta for issuance of notice to the respondents. Even thereafter, no effective steps were taken to prosecute the appeals.

3. It is further seen that, consequent to the death of the first respondent, the appeals stood abated. The present petitions have been filed after an inordinate delay of 3180 days to set aside the abatement and to implead the legal heirs.

4. This Court is of the view that such an enormous and unexplained delay cannot be condoned in a routine manner. The petitioners have not furnished any acceptable or satisfactory reasons to justify the inordinate delay. The conduct of the petitioners clearly indicates lack of diligence in prosecuting the appeals.

5. In the absence of any justifiable explanation, this Court is not inclined to allow these petitions. The delay of 3180 days reflects laches on the part of the petitioners.

6. Accordingly, these petitions are dismissed on the ground of laches. No costs.

03-02-2026

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