

CMP(MD). No.1291 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 21/04/2026

CORAM

THE HONOURABLE MR. JUSTICE P.B. BALAJI

CMP(MD). Nos.1291 to 1293 of 2025 in  
SA(MD).No.607 of 2021

Khadarammal

... Petitioner

Vs

1. 1. Muthaliff (Died)
2. Mohammed Yasin
3. Shahul Hameed
4. Mariyam Beevi Nachiyar
5. Anees Banu
6. Rahmaniya Beevi
7. Raja Mohamed
8. Dheensha
9. Mydhen Bhava

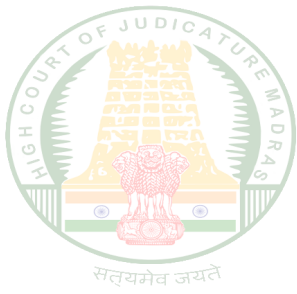
.. Respondents

PRAYER :-

To Condone the delay of 279 days in filing the petitioner seeking to set aside the abatement caused due to the death of the 1<sup>st</sup> Respondent and to to set aside the abatement caused due to the death of the 1<sup>st</sup> Respondent and to bring on record the proposed respondents 6 to 9 as legal heirs of the 1<sup>st</sup> respondent.

For Petitioner : Mr.K. K. Senthil,  
For Respondents 6 to 8 : Mr.V. George Raja  
for M/s.Ajmal Associates  
For respondents 2 to 5 : Mr.G. Karnan

1/3



CMP(MD), No.1291 of 2025

WEB COPY

## ORDER

These petitions have been filed to condone the delay of 279 days in filing the petition to set aside the abatement caused due to the death of the 1<sup>st</sup> respondent, to set aside the abatement caused due to the death of the 1<sup>st</sup> respondent, and to bring on record the proposed respondents 6 to 9 herein as legal heirs of the deceased 1<sup>st</sup> respondent.

2. The respondents have been served, and respondents 6 to 8 have entered appearance through counsel. In fact, a counter affidavit has been filed by respondents 6 to 8 stating that during the lifetime of the first respondent, he had executed a settlement deed in favour of the 6<sup>th</sup> respondent and, in such view of the matter, the 6<sup>th</sup> respondent alone is a proper and necessary party, and the other legal representatives are not necessary for adjudication of the Second Appeal.

3. The averments regarding the settlement deed are set out in paragraph 4 of the counter affidavit. None of the proposed legal representatives have any objection to the request of respondents 6 to 8



CMP(MD), No.1291 of 2025

seeking impleadment of the 6<sup>th</sup> respondent alone.

WEB COPY

4. The petitioner has no grievance since the respondents themselves have now come forward to contend that, except the 6<sup>th</sup> respondent, the other respondents do not have any substantial interest in the suit property.

5. In the light of the above, these petitions are allowed, and the 6<sup>th</sup> respondent alone is impleaded as the legal representative of the deceased 1<sup>st</sup> respondent.

6. The Registry is directed to carry out necessary amendment in the memorandum of grounds of appeal and post the Second Appeal for hearing on 09.06.2026.

---

TRP

21.04.2026

3/3